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**FROM THE BEQUEST OF
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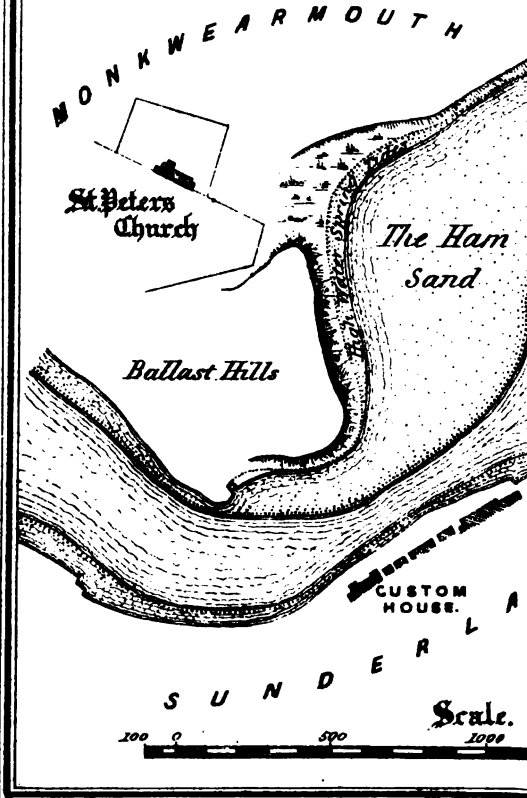
OF LEXINGTON, MASSACHUSETTS

1

PLAN
OF THE MOUTH OF THE
RIVER WEA
IN 1719.

BY M^r JAMES FAWCET

*The First Engineer in the employ
of the Commissioners of
that river.*



Engraved by T. Robson, Fawcett St. for the History

THE
HISTORY AND ANTIQUITIES
OF
SUNDERLAND,
BISHOPWEARMOUTH,
BISHOPWEARMOUTH PANNS,
BURDON, FORD, RYHOPE, SILKSWORTH, TUNSTALL,
MONKWEARMOUTH, MONKWEARMOUTH SHORE,
FULWELL, HYLTON, AND SOUTHWICK.
FROM THE EARLIEST AUTHENTIC RECORDS DOWN TO THE
PRESENT TIME.

BY JEREMIAH WILLIAM SUMMERS.

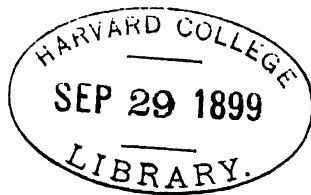
[ENTERED AT STATIONERS' HALL.]

"There is an inexpressible pleasure in visiting the remains of former ages."—
The Rev. John Brewster, M.A., F.S.A.N., Rector of Egglecliffe, Durham.

VOLUME I.

SUNDERLAND:
PRINTED AND PUBLISHED BY JOSEPH TATE.
1858.

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Hayes fund

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TO THE
RIGHT WORSHIPFUL THE MAYOR,
GEORGE SMITH RANSON, Esq.,

MR. THOMAS REED,

MR. JAMES ALLISON, Ex-MAYOR,

JOSEPH BROWN, Esq., M. D., J. P., Ex-MAYOR,

WILLIAM ORD, Esq., J. P., Ex-MAYOR,

And Vice-Admiral of the County Palatine of Durham,

MR. SAMUEL ALCOCK, Ex-MAYOR,

MR. JOSHUA WILSON,

JAMES HARTLEY, Esq., J. P. Ex-MAYOR,

WILLIAM MORDEY, Esq., J. P. Ex-MAYOR,

ANTHONY JOHN MOORE, Esq., Ex-MAYOR,

And Steward of the Ancient Borough of Sunderland,

MR. JOHN CROZIER,

JOHN LINDSAY, Esq., J. P.,

MR. JAMES WILLIAMS,

MR. THOMAS REED, (Nicholson Street),

Aldermen ;

THE COUNCILLORS AND BURGESSES;

AND

WILLIAM SNOWBALL, Esq., Town Clerk,

OF SUNDERLAND,

THIS HISTORY OF ALL THE INTERESTING EVENTS
IN THAT ANCIENT BOROUGH AND DISTRICT

FOR CENTURIES PAST,

PUBLISHED FROM A DESIRE TO PRESERVE AND PERPETUATE

THEM FOR THE INFORMATION OF POSTERITY,

IS RESPECTFULLY DEDICATED BY

THE EDITOR.



PREFACE.



IN presenting the first volume of my History and Antiquities of Sunderland, &c., to the world, I wish it to be distinctly understood that I have not assumed the dignified office of historian through ambition, or for the sake of profit. For many years there has been a growing want of a new local history which several parties better qualified—although not more enthusiastic than myself—have shrunk from supplying, through the vast amount of labour and commercial risk involved in the undertaking. I do not wish to place myself on a level with Spearman, Hutchinson, or Surtees, men of education and ample means, who have thrown so much light on the history of the County Palatine of Durham. I follow them at a respectful distance, and have given a faithful and impartial account of bygone transactions, in which the progenitors of many old families in the neighbourhood were concerned, and in which their descendants cannot fail to feel a deep interest.

I have truthfully recorded the acts of "Durham's mitred Princes," the Roman Catholic and Protestant Bishops of Durham, the Ancient Sovereigns of the Palatinate; while historical events in connexion with the locality have been duly attended to.

In the progress of the work I have been favoured with many proofs of the most disinterested kindness. In a most especial manner I am under the deepest obligation to Mr Robert Robson, F.S.A.N., of Walworth Street, Bishopwearmouth, whose industry, untiring zeal, and antiquarian knowledge have contributed so much to the completeness of the work. Among those who are also entitled to my most grateful thanks are, the Right Hon. Lady Noel Byron; the Right Hon. Viscountess Boyle; Sir William George Hylton Jolliffe, Bart., M.P.; Sir John Romilly, Knt., Master of the Rolls and Keeper of the Public Records of England and Wales. Robert Henry Allan, Esq., F.S.A.; John Hodgson Hinde, Esq., F.S.A.; Richard Laurence Pemberton, Esq.; Christopher Maling Webster, Esq.; H. I. Sharpe, Esq., Deputy Keeper of the Public Records, Rolls' Chapel, London; William Mordey, Esq.; John Kidson, Esq.; Cooper Abbs, Esq.; Joseph Davison, Esq., Durham; Anthony John Moore, Esq.; Messrs. Trotter and Hodgson, Solicitors, Bishop-

Auckland; Messrs. Young, Harrison, and Young, Solicitors, Bishopwearmouth; William Snowball, Esq., Town Clerk of Sunderland; Mr. John Moore, Cambridge Terrace, Bishopwearmouth; Mr. George Lord, Parish Clerk of Sunderland; Thomas William Panton, Esq.; Thomas Thompson, Esq.; Robert Brown, Esq., Solicitor; Mr. William Robson, Portobello Lane, Monkwearmouth; John Maude Ogden, Esq.; Mr. George Garbutt, the first historian of Sunderland, and many other gentlemen, who have kindly lent me their assistance in compiling this work.

Apart, then, from any personal consideration, and to enable me to bring the History and Antiquities of Sunderland, &c., down to the present time, that it may not be found unworthy the perusal and research of posterity, I would earnestly and respectfully solicit the further co-operation of those who have hitherto most generously contributed towards the progress of so arduous an undertaking.

J. W. S.

6, *Pemberton Street, Bishopwearmouth,*

November 1st, 1858.

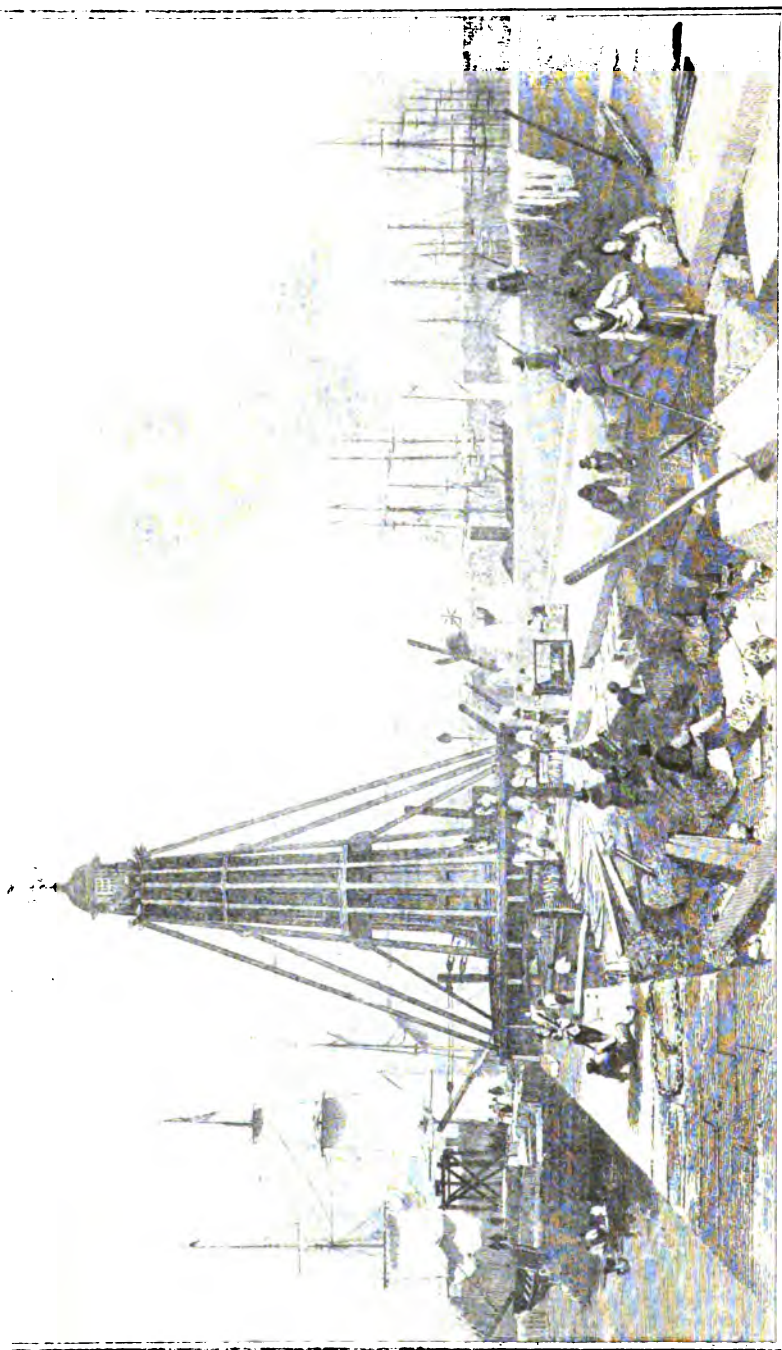


PLATE ENGRAVED

THE SAILING SHIP, AND THE SAILING SHIP, AND THE SAILING SHIP

1841

BY JAMES MONROE, 1841

HISTORY AND ANTIQUITIES

OF

SUNDERLAND,


AND THE PARISHES OF

BISHOPWEARMOUTH AND MONKWEARMOUTH.

DEEM not devoid of elegance the wight,
 Who wastes o'er toils like these his taper's light,
 And, distant from the noisy haunts of mirth,
 Now dries his musty folios on the hearth ;
 Now turns with trembling touch his tatter'd store,
 And sifts the sand, to gain the golden ore :
 Not small the skill to fine away the dross,
 The unwrought mass to polish and emboss ;
 Retrace each touch, and all the work refine,
 Till the rich metal yield to the design.
 Nor small the joy with eager eye to catch
 Some *clinching* date.

Skarp's Chronicon Mirabile :—Prologue.

SITUATION. POPULATION,

UNDERLAND and Bishopwearmouth, on the south side of the river Wear, with Monkwearmouth on the opposite shore, are connected by a handsome iron bridge, and form one wealthy, populous, commercial borough and sea-port, pleasantly situated near the confluence of the Wear with the German Ocean : 13 miles N.E. from Durham, 12 miles S.E. from Newcastle, 135 miles S.E. from Edinburgh, and 272 miles N. by W. from London.

They each constitute a separate parish, and the following are the returns of the number of inhabitants in 1801, 1811, 1821, 1831, 1841, and 1851 :—

PARISHES.	POPULATION.					
	1801.	1811	1821.	1831.	1841.	1851.
Sunderland Parish	12,412	12,289	14,725	17,060	17,022	19,058
Bishopwearmouth Township ..	6,126	7,066	9,477	14,462	24,206	31,824
Paans do. ..	564	476	483	363	298	316
Burdon Township ..	69	107	149	162	114	123
do. ..	602	712	791	911	1,720	1,922
Ryhope do. ..	254	255	368	365	423	475
Silkworth do. ..	138	150	210	252	267	305
Tunstall do. ..	53	50	64	75	64	70
Total, Bishopwearmouth Parish ..	7,806	8,810	11,542	16,590	27,092	35,035
Monkwearmouth Township ..	1,103	1,091	1,278	1,498	2,355	3,366
Shore do. ..	4,239	4,264	4,924	6,051	7,742	10,109
Fulwell Township ..	85	145	118	158	134	169
Hylton do. ..	312	363	320	420	350	546
Southwick do. ..	554	641	1,004	1,301	1,912	2,721
Total Monkwearmouth Parish ..	6,293	6,504	7,644	9,428	12,493	16,911
Grand Total ..	26,511	27,603	33,911	43,078	59,607	71,004

The parliamentary borough of Sunderland comprises the parish of Sunderland ; the townships of Bishopwearmouth and Bishopwearmouth Panns, in Bishopwearmouth parish ; and the townships of Monkwearmouth, Monkwearmouth Shore, and Southwick, in Monkwearmouth parish. The municipal borough is rather less, consisting of the parish of Sunderland, the townships of Monkwearmouth, Monkwearmouth Shore, Bishopwearmouth Panns, and part of Bishopwearmouth. The population of the parliamentary borough in 1851 was 67,394 ; of the municipal borough, 63,897.

The following extracts, made by Hutchinson and Surtees, from the parochial registers* may be deemed curious and interesting. Very scanty conclusions, however, can be drawn as to the increase of the population, as it is evident that the very early registers do not contain one-half of the births or burials.

STATE OF THE POPULATION.

YEARS.	BISHOPWEARMOUTH AND SUNDERLAND.			MONKWEARMOUTH.		
	Bptisms.	Mriages.	Burials.	Bptisms.	Mriages.	Burials.
1589	8	6	0	..	..	..
1570	20	3	16	..	..	..
1593	35	12	34	..	..	..
1624	36	4	90	..	..	..
1643	167	27	63	..	..	..
1656	119	30	81	..	..	..
From 1660 to 1679	2613	453	1930	508	73	322
From 1760 to 1779	8017	3012	9433	2162	689	2456

* Parish registers were first introduced by an order of Thomas

In the year 1681, says Hutchinson, there were 83 burials in Bishopwearmouth, which, being multiplied by 30 (the average number which hath been found on general calculations of deaths in this county), would make the number of souls in Wearmouth and Sunderland 2,490. The number of burials in Bishopwearmouth in the year 1781 was 153, and in Sunderland 382, which on the like calculation will give 16,050, to which if we add 4,890 for Monkwearmouth, the whole number of souls will be 20,940. By the above account, it appears the increase of population in one century was not less than 18,450 souls.†

These calculations, although curious in themselves, afford only an approximation to the numbers of the people. The returns ordered by government in 1801, 1811, 1821, 1831, 1841, and 1851, however, furnish the most satisfactory information on the subject, by which it will be seen that the population of Sunderland and the parishes of Bishopwearmouth and Monkwearmouth has advanced from 26,511, in 1801, to 71,004 persons in 1851, being an increase of about 267·8 per cent.

Lord Cromwell, 1538; but they did not come generally into use until the reign of Queen Elizabeth, who issued injunctions concerning them in the 1st, 7th, and 39th years of her reign. Oliver Cromwell was particularly careful of parish registers; and a person was elected in each parish for the express purpose of keeping them, for which, and other innovations, a writer in the Elwick register makes the following entry:—"Mem. that maryinge by justices, election of registers by the parishioners, and the use off ruling elders, first came into fashion in the times of rebellion, under that monster of nature and 'bloudy Tyrant,' Oliver Cromwell."—*Sharp's Chronicon Mirabile*, p. 15.

† History of Durham, ii., 525.


HISTORY

OF THE

PARISH, PORT, & BOROUGH OF SUNDERLAND.

CHAPTER I.

CONJECTURES RESPECTING THE ROMAN ORIGIN OF SUNDERLAND. ROMAN REMAINS FOUND AT SUNDERLAND AND IN THE IMMEDIATE NEIGHBOURHOOD. VEDRA, OR VADRE, THE ANCIENT NAME OF THE RIVER WEAR. EARLIEST NOTICES OF SUNDERLAND, THE BIRTH-PLACE OF VENERABLE BEDA. REMARKS ON THE DERIVATION OF THE NAME SUNDERLAND.

HE county of Durham, on the coast of which Sunderland is situated, formed, previous to the Roman conquest, a part of the British principality inhabited by the Brigantes, who are described by Tacitus as the most numerous tribe in Britain, and Ptolemy the illustrious Greek geographer, whose work was published about the year 120, speaks of their territory as extending from sea to sea, and containing nine towns or cities—Epiacum, Vinnovium, Caturractonium, Calatum, Isurium, Rigodunum, Olicana, Eboracum, and Camunlodunum—considerably more than the number assigned to any other state. Those towns seem to have occupied what are now the counties of Cumberland, Westmorland, Lancashire, the West and North Ridings of Yorkshire, Durham, and perhaps a small portion of Northumberland. The position of “Isurium” was Aldborough, of “Eboracum”

York, of "Cataractonium" Catterick, and of "Vinnovium" Binchester, near Bishop Auckland. "Isurium," or Isu-Brigantum, is said by Richard of Cirencester, whose authority in this respect is, however, of very doubtful value, to have been the ancient capital of the tribe; and even under the Roman government, although inferior to Eboracum, it must, from existing remains, have been a place of considerable importance. "Olicana" has been assigned to Ilkley, in the West Riding of York. Horsley identifies "Calatum" and "Camunlodunum" with "Galacum" and "Campodunum" of the Itinerary of Antoninus (a work supposed to have been compiled about the year 320), and places the former at Appleby, and the latter at Gretland, near Halifax. "Epiacum," he conjectures to be identical with Hexham (although others assign it to Lanchester or Chester-le-Street); and he gives his suffrage for placing the remaining town of "Rigodunum" at Warrington.

We have no authentic record of any town existing at the mouth of the Wear previously to nor at the time of the Roman invasion, but as Horsley justly observes when speaking of the Roman stations in Britain, "most of these are very well chosen for strength, as well as prospect. There is nothing that the Romans seem to have had a greater regard to, than the convenience of a river, and perhaps too the additional strength it afforded." "I remember," he adds, "as I pursued one of Antonine's 'itinera' for a good way in a journey to London, I was pleased to see the justness and truth of these observations. I seldom passed a river, where the military way also crossed it, but I found a station upon it, if the river was considerable, and not too near another. And for the

benefit of the meridian sun, which they must need who came from so much warmer a climate, they usually had their stations and outbuildings on the north side of the rivers, and on a gentle declivity. In some instances they chose higher ground for dryness and prospect.”*

Bearing these observations in mind, it seems to us highly probable that Sunderland was the site of a Roman settlement of some kind or other: its situation on a point of land at the mouth of a navigable river, with the land on its northern bank reclining comfortably to the meridian sun, was well adapted for one of their stations, whilst the justly celebrated Calton of Sunderland—Bildon Hill

* “*Britannia Romana*,” pp. 109-110. The Rev. John Horsley, M.A., F.R.S., the author of this learned and now very scarce work, is thought to have been born somewhere in Northumberland about 1685. It is understood that he received his early education at the grammar school in Newcastle. He pursued his academical studies probably at Edinburgh, where he took the degree of M.A., and then settled at Morpeth as the minister of a congregation of protestant dissenters, which still flourishes there. His tastes and great familiarity with the classics induced him to devote his leisure hours to the study of the antiquities of his native country. Had he conceived that the “*Britannia Romana*” would have cost him one-third of the time which its execution required, the world would never have seen it: Having embarked in the undertaking, he felt it his duty to make it as useful and interesting as he possibly could. How severe his toils, how great his pecuniary sacrifices, how ardent his aspirations after emancipation from his self-imposed task, in order that he might entirely devote himself to his sacred calling, who shall tell? The thought that his flock might eventually be no losers, that his family and his own fair fame might gain by the enterprise, buoyed him up in his undertaking. On the 2nd January, 1731-2, he put the finishing stroke to his labours, the dedication of his work bearing that date. Now he might hope to reap the fruits of his toils—the enjoyment of

—commanded an excellent view of the port and harbour, and the neighbouring hills of Fulwell, Humbledon, and Tunstall, afforded them extensive prospects for miles round : so grand, indeed, that on a clear day, the Cheviot Hills upon the borders of Scotland, as well as the whole extent of the Durham coast, and a considerable part of that of Yorkshire, may be distinctly seen from each of them.

As the sea has encroached considerably upon this particular part of the coast, it is not to be wondered at that all, or nearly all, traces of Roman occupancy have disappeared. Even under more favourable circumstances

rest, such as the wearied only know,—the congratulations of friends, the approbation of the learned, the replenishment of his exhausted means. None of these fruits he enjoyed. He can scarcely have had the satisfaction of casting his eyes upon a completed copy of his work. The ink of his dedication was hardly dry when, according to a letter from his intimate friend, Professor Ward, of Gresham College, to Dr. Cary, Bishop of Clonfert, he was suddenly and unexpectedly taken off by an apoplexy. The precise period of his death has not been ascertained ; but, by the following extract from the burial register of the parish of Morpeth, it appears that Horsley's mortal remains were buried there only thirteen days after the dedication of the "*Britannia*" :—"1731-2, Jan. 15, Mr. John Horsley." Such is the brief record, says the Rev. John Hodgson, which the parish clerk of Morpeth (the common chronicler of his time, for the stage he acted upon, of the entrances into this life, and the exits out of it,) thought fit to make in his melancholy journal respecting this eminent man. Even after he was dead, this important officer refused him his proper and well-earned title of "reverend ;" and, probably, only because he was the minister of a congregation which, though in practice, as far as regarded discipline and government, it was Presbyterian, yet professed the doctrinal articles of the Church of England. And who, that is experienced in the schemes and treacheries of human nature

in remote inland situations, where the sea has neither encroached nor the genius of commerce planted her foot, the silent hand of time has caused many of our Roman cities to become entirely wasted and desolate. Corn fields and pastures cover spots once adorned with public and private buildings, all of which are now wholly destroyed. Like the busy crowds who inhabited them, the edifices have sunk beneath the fresh and silent green-sward; but yet in places the direction of streets may be discerned by the difference of tint in the herbage, and

will undertake to say, that our author's acknowledged and admired talents, among men of worth and genuine learning, had not roused the jealousy of influential, but little-minded men, to prejudice the vulgar (and, amongst the rest, the parish clerk of Morpeth), against himself, his labours, and his studies? For Horsley, in learning and scientific knowledge, went far before the common herd of critics and smatterers in philosophy, who existed, and were the arbiters of fame and fortune, in his time and neighbourhood; and, on these accounts was very naturally honoured with a liberal portion of their envy and neglect: for calumny and ill-usage are the natural rewards that idle and jealous minds, in all ages of the world, have delighted in bestowing upon the best benefactors of mankind. They persecute the honest and the deserving, and patronise charlatans, and the advertisers of their own nostrums and drugs. They stir up the rabble to cry out—"Not this man, but Barabbas." But Horsley's genius had taken him high above the mists and gloomy atmosphere of prejudice and traditional lore. It had liberated his mind from the thralldom of vulgar maxims. "There is," says he, "that beauty and agreeableness in truth, even supposing it to be merely speculative, as always affords, on the discovery of it, real pleasure to a well-turned mind; and I will add, that it not only pleases but enriches it too." He determined to do something permanently useful, and in doing it, to think and reason for himself; and when he had once engaged in his projected work, "I thought myself," says he, "obliged, on many accounts, to go through with it, and leave nothing undone, that I was capable of

the spade and the ploughshare now and then turn up the coins and medals of Cæsar and Hadrian, of Severus, and of Constantine, so long dead and forgotten, who were once the masters of the world. The predatorial incursions of the Danes and other piratical Northmen, doubtless assisted the ceaseless operation of the elements in obliterating the footprints of the Romans at the mouth of the Wear. So effectually has this been done, that, so far as we are aware, no inscribed altars, no funereal urns, no centurial nor other lettered or "witch" stones have ever been discovered at Sunderland : but about the year 1820, as some workmen were excavating for the foundation of

COLLINGWOOD.



wood, jun., found some Roman coins of the Emperor Constantine the Great, an account of the discovery of which he communicated to the Society of Antiquaries of Newcastle-upon-Tyne.* In the month of January, 1849, a most interesting discovery was made in the north-east corner of that portion of the Town

Moor formerly known as the Coney Warren, which, in doing, in order to render the whole more complete :” and, certainly, no person was ever more successful in completing a great experiment than himself ; for the light he has thrown upon the history of Britain in a dark, but most interesting era, can never be extinguished as long as civilization and letters continue to flourish in the favoured countries which his genius and perseverance re-discovered and illumined. There is no account that friend or relative hallowed his grave with monumental stone ; but if such “frail memorial” ever existed, it has, probably, shared the fate that many similar tokens of affection and piety

* “Gentleman’s Magazine,” April, 1821, vol. xci., p. 367.

the days of yore, extended along the sea bank from near St. John's Chapel to, and skirted a part of, the river Wear. Whilst making the river entrance to the Sunderland dock, it became necessary to remove the workshops of the Commissioners of the river Wear, and in order to make way for the latter, some old houses occupying the Pier or Commissioners' Quay were pulled down. Under these, the remains of what was supposed to have been the site of a Roman pottery were brought to light. About eight feet below the surface appeared a circle, twenty or twenty-five feet in diameter, hewn out of the limestone rock. In the interior of this was a circle of small rubble stones, in arrangement resembling a gin or horse-mill, which had apparently been erected for the purpose of grinding clay. Near this place was found a quantity of red and yellow ochre, and some broken earthenware, with four perfect specimens of Roman bottles of common red ware, and unglazed; one of which was presented by Mr. Meik to the Society of Antiquaries of Newcastle-upon-Tyne; and another, a very perfect one in all respects, was presented by the same gentleman to the Sunderland Museum. The latter specimen, from which the following sketch was taken, is nearly fourteen inches in height; its neck, which is about two inches in diameter at the mouth, is nearly six inches long; and its under

have been condemned to underge in the church-yard of Morpeth—to become flagging for its footpaths: still, however, his name shines with bright and unsullied lustre in the temple of fame; and

"Nomen quæsitum ingenio non exoidit:

"Erit indebile."

Bruce's Roman Wall, 2nd ed., p. 81; *Hodgson's Memoirs of Horsley, &c.*, pp. 142, 44; *Notes and Queries*, January 14, 1854.

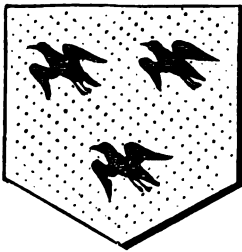
part or body, which is round, about eight inches high and seven inches diameter at the broadest part.

About the same time, a Celt* of green stone, and in a very perfect and beautiful state of preservation, was brought up by one of the dredging machines from a depth of ten feet below the bed of the river or 16 feet below low-water mark, about 300 or 400 yards above Sunderland bridge, the ground brought up being clean rough sand. The Rev. John Laurence, A.M. rector of Bishopwearmouth from 1721 to 1732, and Prebendary of Sarum (and the great-great grandfather of Richard Laurence Pemberton, Esq. of Barnes)

in his work on "Agriculture," alludes to some ancient



LAURENCE.



PEMBERTON.



[British or Roman ?] chisels being found in the small joints and crevices of the stone, in a quarry near Bishopwear-

* As to the uses which Celts were applied to, there are a great variety of opinions. Thoresby "supposes them to have been the heads of spears or walking staves of the civilized Britons." Hearne thinks them "chisels used by the civilized Britons, for cutting and

mouth. In 1802, a Roman Celt about five inches long and two and a half inches broad at the edge, was ploughed out of Tunstall Hill. In 1759, two Roman coins, an urn of unbaked clay,* and a gigantic human skeleton were discovered on Fulwell Hills, an account of which was transmitted, October, 1763, to the *Gentleman's Magazine*, by Mr. Collinson, the historian of Somersetshire, and is as follows:—"A few weeks ago, a gentleman from Durham shewed me some large teeth and two Roman Coins.† The teeth, he said, he took out of the jaw of a gigantic

polishing the stones they used for their works in this island." Dr. Borlase adopts Thoresby's opinion, and takes them to have been "the heads of offensive weapons, originally, indeed, of British invention and fabric; but afterwards improved and used by the principal Romans and Britons." Whitaker holds a middle opinion, and affirms them to have been the heads of light battle axes. Stukeley thought they had been used by the Druids, for cutting the mistletoe and branches of oak with. "The Celt," says Jos. Hartford, Esq., in the "*Archæologia*," vol. xiv., p. 98, "has long been the *ignus fatuus* of antiquaries. Much has been written on its antiquity, form, material, and uses; probably we may obtain a clue respecting the latter, from a consideration of similar instruments, which have within these few years been brought into this country from the South Sea Islands, many of which so much resemble our stone Celts, both in form and materials, that it is almost impossible to determine which is the ancient and which the modern. Our rude forefathers doubtless attached the Celt by thongs to the handle, in the same manner as modern savages do; and, like them, formed a most useful implement

* In 1819, this curiosity was in the possession of Mr. Wilson, the architect of the iron bridge built across the Wear.—*Garbutt's History of Sunderland*, p. 92.

† In 1834, these coins, in a state of excellent preservation, were in the possession of Mr. Alexander Kirkaldy, of Monkwearmouth.—*Mackenzie and Ross' History of Durham*, i., 325.

skeleton of a man, and the coins were found in a grave near it. The account he gives is in substance as follows :—Upon Fulwell Hills, near Monkwearmouth, within a measured mile of the sea, there are quarries of lime, which he rents of the proprietor. In the year 1759 he removed a ridge of lime-stone and rubbish, upon one of these quarries, which was about twenty-five yards in length from east to west, its perpendicular height about a yard and a half, its breadth at the top was near six yards, and the sides were sloping like the ruins of a rampart. In the middle of this bank was found the skeleton of a human body, which measured nine feet six inches in length ; the shin bone measured two feet three inches from the knee to the ankle ; the head lay to the west, and was defended from the superincumbent earth by four large flat stones, which the relater, a man of great probity, who was present when the skeleton was measured, and who himself took the teeth out of the jaw, saw removed. The coins were found on the south side of the skeleton, near the right hand." In the month of December, 1820, immediately above the excavation of the lime-stone at Carley Hill quarry, which is

and destructive weapon, from these simple materials. If I might be allowed to hazard a conjecture, I should suppose that the metal Celts in our museums were fabricated by foreign artists, and exported to this country ; just as we have sent to the South Sea Islands an imitation in iron of their stone hatchet, which has now become so scarce as to be deemed an object of curiosity even to the natives of those countries." Speaking of Celts in general, Dr. George Pearson says, "they were probably instruments used by the ancient Britons, Gauls, and Celtæ ;" and respecting their use he adds, "the most probable opinion is, that they were merely domestic tools. Many of the Celts are cast after the model of stone instruments, which are confessedly ancient British or Celtic chopping instruments."—*Arch. Æliana*, i., 91.

situated about a quarter of a mile west of Fulwell Hill, in the parish of Monkwearmouth, and about 200 yards west of Hill-house, then the residence of Mr. Thos. Wake, senior (now of Robert Bowery, Esq.), whilst removing the surplus soil, Thomas Dobson, quarryman, found a Roman figure, which appeared to be a Lar.* There



were found at the same time several portions of human bones, and a quantity of common rock limpet shells, embedded in lime-stone rubbish and surface soil. It is worthy of remark, that several excavations have been made in the solid lime-stone rock at Carley Hill (similar to stone coffins) containing human bones.† Besides these, other discoveries have from time to time been made in the immediate neighbourhood, all tending

to the conclusion that Sunderland was not unknown to the Romans, although not mentioned by any of their historians, nor by any of the writers on Roman Britain.

The ingenious Mr. Cade,‡ in a letter to George Allan,

* **LAR**, or **LARE**, a domestic or household god among the Romans, placed in some private part of the house, which the family honoured as their protector.

† “*Archæologia Æliana*,” vol. i., List of Donations, p. 13. Dr. Clanny presented the Lar to the Society of Antiquaries of Newcastle-upon-Tyne.

‡ John Cade, a humble but industrious antiquary, was born at Darlington in 1734, and acquired, in Queen Elizabeth’s Free Grammar School there, Latin enough to “read a legend on a coin, or an inscription on a gravestone.” At an early age he was placed in the

ALLAN.



Esq., F.S.A., dated May 13, 1777, says —“ There were certainly two Roman roads cross this county, which might be easily traced by a skilfull antiquary, and as yet not noticed; the one, I should conjecture from the map of Drake's Roman Roads in Yorkshire, came directly from Dunus (Whitby)

to the Trajectus at the Estuary of Tees, opposite Bellasis, which has certainly been a castrum, and continued along the shore to Hertelpoole, Weremouth, and South Shields. The other road had branched from York in a straight line to Craike Castle, crossed the Tees at Neesham, or Sockburn, come by Bishopton, Mainsforth, Old Durham, Chester, to Gateshead;” and in another letter to the same gentleman,* Mr. Cade boldly asserts that “ Wear-mouth was certainly a Roman station.” It must, however, be admitted, that Mr. Cade was rather enthusiastic

house of a wholesale linen-draper in London, where he rose, by honest industry, from the lowest situation in the warehouse, to the first in the counting-house; after which he was admitted a partner into a branch of the business in Dublin. Individuals endowed with a literary turn, however limited their acquirements, and however humble their pretensions, are seldom, I believe, vassals to the demon of avarice; and Cade, as soon as he had acquired a very moderate competence, relinquished trade for ever, and retired about 1775, first to Durham, and afterwards, about 1785, to Gainford, where his leisure, till within a very few years of his death, was unceasingly devoted to topographical pursuits. He explored Roman roads, illustrated stations, *suo more*, and, above all, employed himself in the amusing labour of illustration. Cade's last years were passed under the pressure of

* “Nichols's Literary Anecdotes,” viii., pp. 314-319.

in matters relating to the Roman period : his opinion, therefore, must be received with due caution.

Horsley says — “ I have elsewhere observed, how careful the Romans were to have their stations placed near a river, and that there is no situation they seem to have been so fond of, as a lingula near the confluence of a larger and smaller river. If we run along any military way, we are almost sure to meet with a station, wherever we meet with a river at a reasonable distance from a preceding station. How far Roman coins, especially a number of them, found at any place may be looked on as an argument of a Roman station or town, is a question that may deserve a further enquiry. It is evident that they are not an infallible criterion ; and yet I believe them to be a strong collateral evidence. It is certain, in fact, that these coins are often found in such stations ; and I am of opinion, that they were generally laid up there or

severe infirmity. Sixteen years before his death a paralytic stroke deprived him of the use of his lower limbs, and confined him entirely to bed. In this lamentable state he preserved the most equable frame of mind. His mental faculties and memory were not affected, and he received the visits of his friends with kindness and cheerfulness. His very latest years were devoted almost entirely to preparations for a future state. To his kind friend George Allan, Esq., of Grange, on one of his last visits, Cade presented the Poly Olbion, Harding's Chronicle, Knight's Erasmus, and Clarendon. All his illustrated books of antiquities he had, he said, sent as a present to the son of his early benefactor in business, who, one is sorry to add, sold the volumes in Cade's lifetime. His reading was henceforth confined to religious subjects ; and if he derived no very clear or actual theological knowledge from the vast mass of tracts and sermons which he devoured, yet were his individual views clear and cheerful, and he awaited his dissolution with firm resignation and unshaken reliance on his Saviour. He died at Gainford on the 10th of December, 1806, and was interred with his parents at Darlington.—SURTEES.

lost by the Romans, or other inhabitants. They are sometimes found in Roman vessels,* though the famous pot at Brough near Cataract will not perhaps be so readily confessed to be Roman. Coins have often been found under, or near to Roman altars; they are also frequently found in such places, as not only appear from other evidences to have been Roman stations, but where there is no manner of proof of any subsequent British or Saxon buildings upon them."†

"Several methods," adds Horsley, "have been used for fixing the situation of those places or stations, whose names occur in ancient authors; as also for finding out the names of such places, as appear by visible remains, and evident marks, to have formerly been Roman cities or forts, though now in a ruinous state, or quite demolished. Affinity in sound has been much used by the best antiquaries, though by none, I think, so much as by our learned Camden: but it is evident that this method (especially where a loose is given to the imagination) is very uncertain, and has actually led this excellent author into many errors. Yet I do not say that it is to be altogether neglected, but only that it ought to be used with caution, and rather as a collateral evidence; except in some particular cases, where the resemblance is so manifest, as to render the argument drawn from it conclusive; as

* See "Brues's History of the Roman Wall," second edition, p. 416, for an account of a hoard of Roman coins enclosed in a skiff-shaped vessel, with a circular handle, and lid having a hinge at one end, and fastening with a spring at the other, discovered in an ancient Roman quarry on Barcombe hill, near Thorngraston, Northumberland.

† "Britannia Romana," p. 393.

London, Verulam, Cataract [Catterick] ; Londinium, Verulamium, Cataracto. Indeed where no better evidence can be had than a much less affinity of sound, we must take up with such as we have, but ought then to remember, that this sort of evidence should weigh more or less in proportion to the real affinity, and not that which is only imaginary. And I would in most cases rather choose to trust to the sense, than the sound; and think the same meaning of the ancient and modern name deserves chiefly to be regarded when this is apparent and real. . . . It may also be worthy of remark, that the ancient name is more frequently retained in the modern name of the river on which the Roman towns have stood, than in the present name of the places themselves. The names of towns may depend on the pleasure of the inhabitants, or other people near to them ; but rivers (which might be distinguished by the names of those towns) run through large tracts of ground, and are not so liable to a variation in their names ; nor are there such frequent occasions for changing the name in the one case, as in the other.*

Ptolemy is the earliest author who mentions the river Wear ; but, unfortunately, his geography of this district is greatly perplexed by a mistake he has committed respecting the relative position of part of the north of England and the whole of Scotland with the other or southern portion of Britain. In forming his map of Great Britain, he seems to have made use of two distinct surveys, one reaching northward to the Roman Wall, or the river *Vedra* (where, as Horsley conjectures, his grand turn begins), the other including the country beyond.

* "*Britannia Romana*," p. 353,

In piecing the two together, he has turned the western part of the northern survey to the north, thus converting degrees of latitude into longitude, and *vice versa*. The province of Galloway being thus transposed to the northernmost angle of the island, and Caithness extended eastward a considerable way across the German Ocean ! Horsley, whom Dr. Bruce so justly styles the father of the science of Archæology, rectifies this blunder, and enables us to determine, with tolerable precision, the relative positions of the various tribes, states, estuaries, rivers, and chief towns, with their longitude and latitude, noticed by that illustrious author.

Ptolemy, after describing the northern, western, and southern sides of Albion, comes to "The description of the next side lying towards the south-east, along which flows the German Ocean, after the promontory of Tarvidium or Orcas, mentioned before," [and, after mentioning the names and latitude and longitude of nine places lying on the S.E. part of his map, we come to the]

	LONG.	LAT.
" Mouth of the river Diva	26·00	58·30
" Estuary Tava	25·00	58·30
" Mouth of the river Tinna	24·30	58·45
" Estuary Boderia	22·30	58·45
" Mouth of the river Alaunus	21·40	58·30
" Mouth of the river Vedra	20·10	58·30
" Bay of Dunum	20·15	57·30
" Bay of Gabrantuici, with a safe } harbour	21·00	57 00
" Promontory of Ocellum	21·15	56·40
• • • • •	• • • • •	• • • • •

Horsley thinks "Dunum is the bay at the mouth of the river Teese, which parts the county of Durham from Yorkshire," and that "Vedra must be the river Tyne, on which stands the town of Newcastle. And," he adds, "I know no other name for the Roman station and town at the mouth of this river near South Shields but 'Ostia Vedrae.' If we consider the station itself, the altar inscribed to one of the Antonines [discovered there], and the nearness of the place to the Roman Wall; one can scarce suppose that the river and station should be wholly unknown to Ptolemy; and yet, unless these be their names, they are nameless in this geographer. I own," he acknowledges, "the force of this argument is abated, when we consider that neither Newcastle, nor any other of the Roman places on the wall, are mentioned by this ancient author; but it is true that towns, rather than forts, came under Ptolemy's notice."* Elsewhere that eminent antiquary observes—"Vedra is the only river which Ptolemy names in these parts; and one would rather take this for the Tyne than the Were, as being more considerable, and in all probability much better known;" and yet, after all his trouble, reasoning, and conjecture, he seems to have had some doubt in the matter, for in a note he adds, "perhaps Vedra has been the name both of the river-Tyne and Were. The tract that lies between the two rivers, and is bounded on each side by them, is now called Werewickshire."† Now, what suggests itself to our mind is (says a writer in 'Hogg's Weekly Instructor,') that 'Vedra' is the 'Wear,'

* "Britannia Romana," p. 377,

† Ibid, p 103.

and 'Dunum' the 'Tyne.' The ear and eye will themselves avouch, at least, the plausibility of such suggestion. The character of the two rivers—the one admitting vessels of large draught, the other only comparatively small craft,* gives it also further probability. For it is heedfully to be noted, that 'Dunum' denotes a 'deep' river, being derived from Celtic 'dhoín,' deep; and such more or less predicable of all the rivers whose name it is, or of which it forms a component part; as for instance, the 'Don,' in Yorkshire, in Aber-deen-shire, in Russia; the 'Tyne,' in Haddingtonshire; the two Russian 'Dunas,' or 'Dwinas,' the one flowing into the Gulf of Riga, the other into that of Archangel: Dan-ube; Rhone, or Rho-danus, *i.e.*, 'very deep'; Eri-danus, the poetical name of the Po, which also signifies 'very deep'; and, to conclude with a name which genius has borne further, and rendered more classical than Eridanus itself—Ye banks and braes o' bonnie 'Doon.' But what gives the greatest appearance of correctness to this attempt at emendatory criticism is this striking fact, that in Ptol. emy we find an aboriginal tribe inhabiting the territory betwixt the 'Tweed' and the 'Tyne,' called 'Ota-deni,' which, if we have any skill in etymologic analysis, just means the people betwixt 'Tuesis' (Berwick) and 'Dunum.' In still further corroboration, it may be mentioned that another tribe farther into the interior, and occupying the country betwixt the upper part of the 'Tyne' and the 'Jed,' are denominated 'Gadeni.' The

* This must be understood as applying to the Wear in bygone times. The case is quite altered now: the harbour being so greatly improved that in a few years it bids fair to eclipse Newcastle and the Tyne.

reason of the name is obvious. The modern Jedburgh occupies the site, and is the modern representative and lineal descendant of the Roman capital of this district, which was called 'Coria,' or 'Curia Gadenorum.' Not a few districts of kingdoms, with their inhabitants, have derived their names from being situate betwixt rivers or æstuaries; thus, the Latin 'Interamna,' 'inter,' between, and 'amnes,' the rivers, a town in Umbria, and now abbreviated in the modern 'Termini;' 'Mesopotamia,' i.e., betwixt the rivers, viz., the Euphrates and Tigris; 'Edderachillis,' a district in Sutherlandshire, signifying 'betwixt the two kyles,' or branches of the sea; 'Entre Douro e Minho,' in Portugal, are exactly parallel with the terms under discussion. So important an auxilliary and arbiter often is etymology in ascertaining and settling doubtful and disputed localities!*

What tends to confirm the supposition that Vedra was the Roman name of the Wear is the fact that during some recent explorations at Chester-le-Street, the site of an undoubted Roman station, amongst sundry other fragments of Roman handiwork, several altars were discovered, "upon one of which may be traced 'DEABUS,' and on the base of the same, letters which to my eye (says the Rev. Walker Featherstonhaugh, incumbent of Edmundbyers in this county) read 'VADRE'; if this be the case, we have the name of the river associated with the local deities whose favour the Romans were much in the habit of propitiating."† And in the map of Britain attributed to Richard of Cirencester, the rivers "Tueda, Alauna, Tina,

* "Hogg's Weekly Instructor."

† "Archæologia Æliana," iv., 292.

Vedra, and Tisa," are laid down in regular consecutive order from north to south, corresponding exactly with the modern Tweed, Aln, Tyne, Wear, and Tees.

Having hazarded a few conjectures respecting the probable Roman origin of Sunderland, it becomes necessary (as it has been usual in topographical works of this nature) to offer a few remarks on the derivation of its name, respecting which various surmises have been made. And though such disquisitions seldom lead to any decisive result, yet we have been inclined to follow the general practice, more in compliance with custom, than with the presumption that we have been able to elicit any original information, or established any satisfactory conclusion.

"The aboriginal inhabitants of Britain," says the Rev. Anthony Hedley, in his 'Essay towards ascertaining the Etymology of the Names of Places in the County of Northumberland,'* "possessed a very descriptive language, and many of the names which they imposed upon mountains, rivers, and the other great features of nature, yet remain, having triumphed over the numberless revolutions of all kinds to which our country has been since exposed. Their simple, but finely discriminating terms, generally painting, as it were, some local circumstance, put to utter shame the whimsical, absurd, and altogether barbarous local nomenclature of modern colonisers and navigators; and their superior good taste and ingenuity in this respect argue a much higher degree of civilization and refinement than is usually ascribed to them.

"After the Britons came four successive hordes of conquerors—the Romans, the Saxons, the Danes, and the

* "Archæologia Æliana," i., 243.

Normans,—with each their own language, and each exercising the privilege of conquerors by giving new names, or by adding to, translating into their own speech, and otherwise changing the old ones.

The Romans seem, for the most part, to have been content with the names which they found in use, merely Latinising the terminations of a few of them, for if we may take Baxter for our guide, almost all the names of Roman cities in Britain may be traced to British roots."

The Saxons had the most lasting, general, and deep-rooted possession of the island. They very commonly settled in Roman towns, and especially chose them, on account of their materials, for the sites of their churches and monastical institutions. York, Monkchester (Newcastle), Hexham, Jarrow, and Chester-le-Street, are well known instances of ecclesiastical edifices having been erected upon the ashes of Roman foundations: and doubtless too when Benedict brought over workmen from Gaul to build his celebrated monastery at Wearmouth, which was constructed of stone after the Roman manner, he found abundance of materials in the long deserted Roman station "Ad Ostium Vedra." As their language, says Verstegan,* "was altogether different from that of the Britons, so left they very few cities, towns, villages, passages, rivers, woods, fields, hills, or dales, that they gave not new names unto, such as in their own language were intelligible, and either given by reason of the situa-

* "Restitution of Decayed Intelligence in Antiquities, concerning the most noble and renowned English Nation," p. 106, London, 1653.

tion, or nature of the place, or after some place in some sort like unto it in Germany, from whence they came."

The Danes, who long ruled over the north of England as absolute conquerors, have left us many memorials of their invasion in the topography of the country: their "fell" more especially enters into the composition of many names in the northern counties, and has been very generally imposed on the moorland districts. The termination "by" in the names of places is also attributed to them.

From the invasion of the Danes to the coming of the Normans, in 1066, there elapsed a period of 274 years. It was the policy of the Conqueror to change the language and the institutions of the kingdom; but the men of the north were long in submitting to the yoke of the Norman bastard: they revolted several times, which so exasperated him that he gathered together a mighty army, swearing, by the splendour of God!—his usual oath—that he would not leave a soul alive!! As soon as he entered Yorkshire, he began to put his horrid threat into execution; and yet, notwithstanding all this barbarity, it is astonishing how extensively and obstinately the ancient names of places have been retained: Sunderland being one of those towns whose name has remained unchanged during the long period of 1,200 years.

"In searching for the etymons of local names," continues Mr. Hedley in his Essay just quoted, "Two things are necessary to be observed:—1. We should always, if possible, personally visit the spot in question, that we may have an opportunity of observing its natural features. The older the name is, the more likely is it to be expressive of some local circumstance, for it may almost

be laid down as an axiom that all ancient names of places, however unmeaning many of them may now appear, are significant in the language of the people who imposed them.—2. We should endeavour to find out how the word was ‘anciently spelt and written.’ Without this precaution our labour must often be in vain, and we shall be in continual hazard of justly incurring the ridicule so generally cast upon the local etymologist. Many names of places, transmitted through successive generations of people ignorant of the language of those who bestowed them, have at length become so disguised and corrupted, that scarcely any of their original elements remain.”

Sunderland not being mentioned by Ptolemy, neither in Antonine’s Itinerary, the Notitia, nor in the anonymous Ravenna’s Chorography of Britain; and as no lettered stone has ever been found disclosing the secret, we have no means of ascertaining its name, nor by what legion or cohort it was garrisoned during the Roman period of our history. As before observed, we have good reasons for believing the port was known to the Romans: that warlike people had an eye to maritime situations, and the banks of the Wear possessed such local advantages as they were sure to lay hold of. But however this may be, certain it is that the harbour at the mouth of the river Wear, “Wiramuthan,” or “Sundorlande,” as Beda calls it, was well known in the Saxon ages, at which time it must have been much frequented, both on account of the maritime conveniences it afforded to the small craft which then navigated the coast, and of the celebrated monastery which occupied its northern bank.

For the “earliest” notice of the “district” now occupied by that densely populated portion of our important and

enterprising borough forming the "modern parish of Sunderland," we are indebted to Venerable Beda the celebrated writer and historian, whose birth-place it was. In that most pleasing of all his works, "The Lives of the Abbots of Wearmouth and Jarrow," Beda informs us that Benedict, or Bennet, Biscop, the pious founder and first abbot of the monastery at Wearmouth, on his return from his (fifth journey from Britain but) sixth and last pilgrimage to Rome, "among a great variety of other valuable things, brought two cloaks all of silk, and of incomparable workmanship, in exchange for which he obtained from King Aldfrid and his council, three hides of land—*terram trium familiarum*—near the mouth and on the southern bank of the River Wear." This was about the year 686. Although not mentioned by name what other construction can be put upon this passage than that the land here alluded to is identical and co-extensive with the parish of Sunderland? The quantity of land given, three families or hides, which we have no doubt was the extent of Sunderland in Beda's time, seems to place this matter beyond dispute. According to a survey made by Mr. Joseph Wilson and other officers of her Majesty's Board of Ordnance in the year 1855, the land and water area of the parish of Sunderland was two hundred and thirty acres, three roods, and fifteen perches. But in order to make assurance doubly certain, let us refer to another of Beda's works, that upon which his fame chiefly rests—his "Ecclesiastical History of the English Nation," wherein Sunderland is mentioned by name, and under circumstances to which we respectfully beg to draw the attention of our readers, as upon the passage about to be quoted, some grand mistakes have

been made. At the conclusion of his "Ecclesiastical History" (book v., chap. 24), our venerable author gives a short biographical account of himself, and, after informing us that he was mass-priest of the monastery of the blessed apostles Peter and Paul, which is at Wearmouth and Jarrow, adds, he "was born at Sunderland of the same monastery;" or, as King Alfred the Great has it in his valuable Anglo-Saxon version, "Wæs ic acenned on Sundorlande thæs ylcan mynstres."* It is only proper to add that the word "Sundorlande" is omitted, and "territorium" substituted, in all the existing Latin copies of Beda's "Ecclesiastical History" (not one manuscript of which, however, can be said to be in the historian's handwriting, nor even satisfactorily proved to be coëval with his time), and only found in Alfred's version. Whence the omission arose we cannot tell: if we were permitted to give an opinion, we would suggest it may perhaps be accounted for by supposing that some early scribe copied from a transcript, or perhaps original manuscript, which, through age, or from some other cause, had become partially illegible or obscure; but, from the general tenor of the sentence, perceiving that Beda was born in some place belonging to the united monastery of Wearmouth and Jarrow, substituted the word "territory" for its name, thus passing it over as a thing of little or no importance: hence succeeding writers have transmitted the error down to us. But however this may be, certain it is that the word "Sundorlande" has given rise to much discussion, and led some to believe that it is nothing more than a just and proper translation of the Latin "territorium," thus meaning any part of the monastic posses-

* "Wheloc's Beda," p. 492; "Smith's Beda," p. 647.

sions: and as Professor Wheloc, in his edition (folio, Cambridge, 1644), has printed the word with a small initial, it has been inferred that he at least understood it in that sense. The Rev John Smith, S.T.P. (who was



SMITH. Rector of Bishopwearmouth), notwithstanding his local advantages, in his excellent edition of "Beda's Ecclesiastical History" (folio, Cambridge, 1722), has also used a lower-case initial; and Lye, in his "Anglo-Saxon Dictionary," and, more recently, Bosworth, has defined the word, "separate or privileged land, territory, freehold land." The Rev. Joseph Stevenson has also failed to identify the Sundorlande of Alfred with our enterprising borough: speaking of the birth-place of Beda, he says, "When Benedict Biscop returned from his journey to Rome in 672, he obtained from Ecgrith, king of Northumbria, the gift of a large tract of ground lying on the north side of the river Wear, upon which he forthwith proceeded to erect a monastery. 'The territory of this monastery,' as Beda himself expresses it, was his birth-place."* This passage is so rendered by King Alfred in his Anglo-Saxon version, as to have led to the supposition that the present town of Sunderland was the exact locality which Beda had expressed so vaguely. This supposition is a natural one; and the temptation to

* . . . "natus in territorio ejusdem monasterii," . . . which is thus rendered by King Alfred: . . . "was ic aen-ned on sundorlande theas ylean mynstres." This term "sundorlande," as its etymology shows, means land set apart, or sundered from the rest for some particular purpose, as this district was for the use of the newly-founded monastery.—STEVENSON.

hazard it is certainly very great. The present town of Sunderland stands within a short distance of the spot on which the ancient monastery of Wearmouth was erected, and the similarity of the name to that mentioned by Alfred might at first sight appear conclusive evidence of identity. Yet the theory is attended with difficulties too weighty to be rejected. The present Sunderland stands on the south side of the river Wear; whereas the spot on which Beda was born was on the northern bank, as was the whole district granted by King Ecgfrith. King Alfred, moreover, as is obvious from the sentence in which it occurs, uses the word 'Sundorland,' not as a proper name, but as a close rendering of Beda's Latin 'territorium'; and other instances occur* in which these terms are explained the one by the other. We cannot, therefore, advance beyond the information which Beda himself has given us; and we must be satisfied with knowing that he was born somewhere to the north of the river Wear, and probably at no great distance from the present port of Wearmouth."† Now, if the words "territorium" and "Sundorlande" were synonymous terms, as alleged by Mr. Stevenson, might we not reasonably expect to meet with the same words in other passages of Alfred's version? But are there any other parallel passages in that translation? Mr. Stevenson himself acknowledges that "no other instance of the use of this

* Lye quotes two passages from an ancient glossary in the Cottonian MS. Julius A. ii., fol. 5 and 152, in which Sundorland is rendered by "separalis terra, prædium, fundus, territorium.—STEVENSON.

† Stevenson's Preface to Beda, in "The Church Historians of England, i., 5.

word occurs in Alfred's version of Beda besides that already quoted." After such an admission, it is perhaps scarcely necessary to add that we have paid considerable attention to the Anglo-Saxon paraphrase, and in upwards of one hundred instances our venerable author uses the words "province or provinces," which the royal translator has rendered "mægth, mægthe, magith, mægtha, or mægthum"; in eight or ten instances Alfred has translated the same words "land, lande, or landes." Twice only, we believe, does Beda use the word "territories," in each instance along with possessions: thus, in book 3, chap. 3, "possessiones et territoria," which the royal translator has rendered, not by "possessions and sundorlandes," but simply by the word "lande"; and again in book 3, chap. 26, "territoria ac possessiones,"—unfortunately the latter chapter has not been translated by Alfred.

Here it may not be amiss to observe, that in ancient manuscripts, little or no distinction is made with respect to the initials of proper names, either of places or persons, not even excepting royalty; a capital at the commencement of a book or chapter, and very rarely at a sentence, being frequently thought sufficient, so that the fact of the word "sundorlande" in the celebrated passage under discussion, being printed with a small initial is of little consequence. Wheloc seems to have given it just as he found it,* without troubling himself any farther about the matter, and Smith has simply added Lye's de-

* We perceive that the Rev. James Raine, the accomplished historian of North Durham, has committed a similar editorial error (if we may call it so). In a curious document, dated 1459, respecting a chaplain of Hylton ("App. to the Jarrow and Wearmouth An-

definition of the word, which, however, is not literally correct, so far as our town is concerned ; for what privileges had Sunderland in the time of Beda ? and a comparison of the two quotations from that eminent historian is a sufficient refutation of the theory of its being freehold land.

Taking all the circumstances of the case into consideration, it seems evident that Alfred, who flourished in an age not long subsequent to the time of Beda, and doubtless had access to the best of copies—probably our venerable author's own copy,—uses the word “Sundorlande” not as a close rendering of the Latin “territorium,” but as the proper name of a place : of the “*terram trium familiarum*,” or three hides of land on the southern bank of the Wear (now represented by the modern parish of Sunderland) which Benedict obtained from Aldfrid King of Northumbria—a donation that appears to have been quite overlooked by all the editors of Beda's works, and which has even eluded the sagacity of Mr Stevenson.

Dr. Lingard, alluding to the birth-place of Beda which in his well-known “History of England” he fixes at Sunderland, says, “We are told that ‘sunderland’ means land set apart for some particular monastery or proprietor. It may be so ; but in its original signification it means land sundered or cut off ; and I cannot find any place in England, retaining that name, which does not count Rolls,” p. 244), Mr. Raine uses a small initial in the name of such an important place as “*newcastell vppon Tyne*,” and yet surely no one will attempt to affirm that that gentleman (the *facile princeps* of northern antiquaries) meant any other fortalice upon the Tyne than the sea-port town of that name.

evidently show that it was so called from its situation ; being cut off, or sundered from other land, by the interposition of water. Hence," adds the historian, "I suggested the sunderland opposite to the monastery [at Wearmouth], but sundered from it by the river, as likely to be the place alluded to by Alfred."*

These are the only notices of Sunderland as a separate and distinct place from the two Wearmouths we have met with during the Anglo-Saxon period : brief though they be, they are valuable as pointing out the time when it became the property of the church, over which the Bishops of Durham during many centuries held and exercised such unlimited sway.

Camden tells us that "most townes have borrowed their names from their situations,"† "and, "With regard to the meaning of the name 'Sunderland,' " says a writer in a popular periodical, "it seems to have originated in the fact that the rocky coast southwards from it is broken into deep gaps and caverns, just as a district in Yorkshire is denominated 'Cleveland' from its cleft or cliffy aspect. Now, these indentations or ruptures at this part of the coast do not present the appearance of having been brought about by the gradual tear and wear of time, and the ceaseless operation of the weather and the waters in calm and in storm, as is the case in other interruptions of the contiguity of the line of coast, where the sea seems rather to have insinuated than forced an entrance, to have undermined rather than stormed. It exhibits the

* "History and Antiquities of the Anglo-Saxon Church," ii., 189, ed. 1845.

† "Remaines concerning Britaine," p. 124, ed. 1637.

appearance rather of being the effect of some dread volcanic shock, or awful Neptunian convulsion, suddenly rending the rocks asunder.* And this appearance of violence it is which has given the name to the district, *quasi*, 'sundered-land'—such being its grand leading feature, or most striking characteristic: which just shows that untutored minds, as well as poets and rhetoricians, indulge in the figure synecdoche, and, setting at defiance the axioms of mathematicians, often make a part—especially a prominent part—equivalent to a whole. As somewhat confirmatory of this derivation, it may be mentioned that at Oxen-hall, not far from Darlington, there are three pits or chasms of great depth. The inhabitants term them, from their sinister look and shape, 'Hell-kettles'; and the tradition is still rife among them that these Avernian rifts were caused by the shock of an earthquake. It was this aspect of a change, effected not so much by the gradual process of a long succession of ages as by some sudden violent cause, which induced the ancient Greeks—those astute observers—to give the synonymous name of 'Rhegium,' the modern 'Reggio,' to that town, which is situate on the great toe of the boot of Italy. The import of 'Rhegium' is 'breach, separation, rent,' from the Greek 'regnumi,' that is, 'to break,' because at that place, or thereabouts, Sicily was 'broken off,' or, at all events, at that remote period the appearance suggested the idea that Sicily was 'severed'

* The singular contortion of the lime-stone strata near Spotty's Hole afford a striking corroboration of the theory advanced in the text. The rocks there exhibit the agency of some "dread volcanic shock," or other convulsion of nature.—See "Holmes's Treatise on the Coal Mines of Durham and Northumberland," p. 22.

from Italy by the force of the waters, or some other violent agency. Virgil's graphic lines evince that such was the idea entertained by himself and his contemporaries :

" Hæc loca 'vi' quondam et 'vasta convulsa ruina
' Dissiluissa' ferunt, cum protinus utraque tellus
Una foret, venit medio 'vi' pontus, et undis
Hesperium Siculo latus 'abscidit.' "

The words placed within inverted commas portray the agency of a vast, tremendous, and instantaneous power. The word 'abscidit' does not denote destruction or demolition, but only such a 'fissure' or 'splitting into two parts,' as is caused by the descent of a ponderous sledge on a wedge inserted in a log of wood. There can, indeed, be little doubt that the face of this terraqueous globe has been changed, not only by that great general deluge, recorded on the best authority, and by the slow and imperceptible corrosions of a series of ages ; but also by the shock of earthquakes, partial inundations, and the sudden incursion and retreat of marine waters. Pliny thus informs us, that there can be little doubt that Cyprus was in this manner disrupted from Syria, 'Euboea' from 'Bœtia' (the very names indicate as much), and Besbicus, the modern Pocokio, from Bithynia, all of which before were integral part and parcel of their respective continents ; to which catalogue may not improbably be added the disruption of Europe from Africa at the Straits of Gibraltar, and Britain from France at those of Dover. But, to borrow the words of the poet Waller, into whose fanciful lacubrations this same grave speculation seems to have intruded itself—

"Whether this portion of the world ~~were~~ *was* sent
By the rude ocean from the continent,
Or thus created,"

Itself constitutes a question not unworthy the inquisition of any archæological society, or individual possessed of the requisite talent, learning, and leisure.

"One observation more, of importance to the student of geography which the term 'Sunderland' suggests, and we shall bid it adieu. Here the termination 'land,' as in other cognate terms, such as Sutherland, Holland, Northumberland, very obviously demonstrates that it originally was applicable to a 'district of country,' and not restricted to a town; to the shattered maritime territory, in fact, as above described, whose leading physical feature gave birth to the name. Now, this limitation of the name from a 'district' to a 'town' presents us with a very singular exception to a general rule, which will be found to obtain to a great extent in the topographic vocabulary of England, and indeed of the United Kingdom, so far as Scotland and Ireland have been assimilated to Saxon formulæ and usages. The rule to which we allude is this: that the towns in general take precedence of districts, and impose their names upon them by extension; and seldom *vice versa*, as is the case with the term under discussion. An inspection of the names of the counties and shires of England, and of their respective capitals or chief towns, will serve to illustrate and abundantly evince the truth of this remark. As allocated by Alfred, England at first contained thirty-two shires or 'shares,' which number has been since augmented to forty, and, including the twelve of the principality, makes a total of fifty-two counties. Of these fifty-two, no less a number than

thirty-four derive their names from their respective county-towns. Seventeen derive their names from other circumstances, and are not cognominal with their county-towns. One solitary city, and one only, 'Canterbury,' can trace its name to its county—'Kent.' If a similar analysis be applied to Scotland and Ireland, the proportional results are still more striking, and illustrative of our position. Scotland has shires or divisions thirty-three, though she returns to Parliament but thirty county members. Of these twenty-five take their names from the county-town, and eight from other circumstances. Ireland has thirty-two counties, of which no less than twenty-six have names derived from the county-town, and only six have names attributable to other causes."* But, without pinning our faith to all the theories advanced by this humorous writer, whose etymological notice of Sunderland is, however, worthy of attention, we may observe that Heylin describes Sunderland as "a demi-island in the north-east part of the Bishoprick of Durham, over against the mouth of the river of Were; which being pulled asunder from the land by the force of the sea, hath the name of Sunderland"; † and another writer on the same subject adds, "at high water it is a peninsula, almost quite surrounded by the sea, which, seeming to pull it asunder from the main land, may be thought to give it that name."‡ Besides these, various other conjectures have been made respecting the derivation of the name of Sunderland; some contending that it is the

* "Hogg's Weekly Instructor."

† "Help to History," p. 508, ed. 1709

‡ "Magna Britannia," p. 619, Lond. 1720.

ancient Anglo-Saxon "Sundorlande" signifying a particular place with privileges of its own, a theory which, as we have before observed, cannot be entertained. The simplest and most obvious, however, seems to be that its name marked the original situation and appearance of the place, on a point of land, almost insulated by the Wear and by the sea. When we take into consideration that the tongue of land forming the parish of Sunderland, formerly extended much farther to the eastward than it does now, until the sea at Hendon formed a sort of creek or bay, sufficiently capacious and sheltered from the fearful "nor-easters" (that occasionally sweep along our coast and prove so destructive to our shipping) so late as 1346, when it afforded Thomas Menvill a safe and convenient spot for the building of ships, the place would then be almost surrounded by water, whence its name.

Since the preceding pages were printed off, and just as this sheet was going to press, we were favoured by J. W. Collingwood, Esq.,* with the following observations on the derivation of the name:—"At the early period," says our respected townsman, "when the monastery at Monkwearmouth was a place of much importance, there

* Much praise is due to Mr. J. W. Collingwood here for his public-spirited exertions in establishing and supplying during the last thirty years, a line of vessels to trade between this port and Charente, and occasionally Cadiz and Oporto, thus enabling importers of Brandies and Wines to have their goods imported direct, instead of being landed in London, and brought down by traders, which they were previously obliged to do at considerable inconvenience and expence.

does not appear any record of Sunder!and.* South Wearmouth is mentioned, so that it appears to me the name 'Sunderland' was given to it by the monks of Monk-Wearmouth, subsequent to the seventh century. Its situation is directly opposite to the monastery, and is 'asunder', or divided from it only by the river."

After the death of the Venerable Beda, in the year 735, a dense cloud of darkness overshadows the history of Sunderland. Towards the close of the eighth century the Danes landed on the coast of Northumbria, and carried fire and sword through the length and breadth of the land. Our early historians give us a terrible picture of the horrid cruelties committed by these merciless tyrants upon the unoffending Anglo-Saxons, and for a long series of years we read of nothing but murder, rapine, and plunder.

Notwithstanding the devastation spread over these parts by the Danes (under Hinguar, Hubba, Ragnar Lodbrog and other celebrated sea-kings), the Scots and the Normans, Sunderland seems to have risen into some degree of consequence as a place of maritime commerce and resort towards the close of the twelfth century, when, sometime previous to the year 1183, Hugh Pudsey, Bishop of Durham (1153-94), by charter, erected it into a borough under the name of Wearmouth.

* With all due respect to Mr. Collingwood's opinion we beg to observe that Sunderland is mentioned at the early period alluded to. (See pp. 30-36 of this work.)—ED.



CHAPTER II.

THE ANCIENT BOROUGH OF SUNDERLAND. AREA OF THE PARISH. PAROCHIAL PERAMBULATIONS. THE OCTAGON COTTAGE. COPYHOLD GRANT OF RIVER WASTES. ANCIENT CHANNEL OF THE RIVER DIVERTED. COPYHOLD GRANTS AND LEASES OF WASTE GROUNDS ON THE SEA SHORE. THE SPA WELL. BATTERIES. THE RUSSIAN GUNS. LOWTHER'S HALL. LOWTHER'S DENE. EARLS OF SUNDERLAND.



THE ancient or Bishop of Durham's now (1857) the Ecclesiastical Commissioners' Borough of Sunderland, embraces the freehold, and a portion only of the leasehold property in the parish of Sunderland, and is entirely exclusive of the copyhold and leasehold property held under the Ecclesiastical

Commissioners in the same parish, which is one without any dependent townships, and lies within the Sunderland division* of Easington Ward, in the County Palatine of

* Copy Order.—Durham (Cu Wit).

At the General Quarter Sessions of the Peace of our Lady the Queen, holden at Durham, in and for the County of Durham, on Monday, the eighteenth day of October, in the year of our Lord 1841, —Before John William Williamson, John Douse Garthwaite, Thomas Robinson Grey, Esquires, and others their fellows, Justices of our said

Durham. Until the year 1719, it was a township in the parish of Bishopwearmouth, from which it was then severed by an Act of Parliament.

It is bounded on the south by the township of Bishopwearmouth, on the west by the townships of Bishopwearmouth and Bishopwearmouth Panns, on the north in part by grounds, &c. in the township of Monkwearmouth Shore and in part from or near the west end of the Potatoe Garth to the western boundary adjoining the township of Bishopwearmouth Panns, by the mid-stream of the ancient channel of the river Wear, the ground of which ancient channel, lying between the ancient low water marks, including the site of the north pier and grounds adjoining, extending about 380 feet in breadth when measured in a northerly direction from the west end of the pier, is the soil

Lady the Queen, assigned to keep the peace of our said Lady the Queen, in the said County, and also to hear and determine divers Felonies, Trespasses, and Misdemeanors done and committed in the said County.

WHEREAS, by a statement in writing, under the hands of Andrew White, Joseph Simpson, Richard White, Walker Featherstonhaugh, Ralph Carr, Richard Spoor, Richard Pemberton, and Edward Backhouse, Esquires, eight of her Majesty's Justices of the Peace of and for the said County, bearing date the fifteenth day of June last, and laid before the Justices of the Peace assembled at the General Quarter Sessions of the Peace for the said County, on Monday, the 28th day of the same month of June, the said eight Justices did, under and by virtue of an Act of Parliament made and passed in the ninth year of the reign of his late Majesty King George the Fourth, intituled "An Act for the better regulation of Divisions in the several Counties of England and Wales," state their opinion that the following Parishes, Townships, and Places would form together a

and freehold of the Ecclesiastical Commissioners (in right of the Jura Regalia of the County Palatine of Durham), who are entitled to nearly the whole of the North Dock tidal basin, and a portion of the S.W. corner of the dock, parts of two shipbuilding yards on the north side of the Potatoe Garth, and a part of the south-east and east sides of the Ham Sand ; all of which were parcel of the navigable channel of the Stell, as will be seen on comparing Mr. Fawcett's Plan of the Mouth of the River in 1719 with one published by John Murray, Esq., C.E., in 1846. This river called by the Romans "Vedra," and by Beda "Wiri" rises in Weardale in the same county, whence running in a wiry or circuitous manner

convenient and a proper Division, within and for which Special Sessions should thenceforward be held, viz :—

Parishes, Townships, and Places proposed by the said statement to form a new Division.	In what existing Division the same were situate or deemed to be.
Bishopwearmouth	North Division of Easington Ward.
Bishopwearmouth Panns	
Burdon	
Dawdon	
Ford	
Fulwell	
Hylton	
Monkwearmouth	
Monkwearmouth Shore	
Ryhope	
Silksworth	
Seaham	
Southwick	
Sunderland	
Tunstall	

And the said Justices did thereby declare and set forth that the following Division (that is to say) the North Division of Easington Ward, in the said County, would be altered by such proposed new Division ; and further, that the following Justices of the Peace for

eastward, it receives the Kellop, Burnhope, Lynburn, Gaunless, Browney and other tributary streams in its course to the German Ocean, which forms by its ancient low water mark the eastern boundary of this parish.

The following table exhibits the area of the parish, according to a survey made by Mr. Joseph Wilson and other officers of Her Majesty's Board of Ordnance in 1855, previous to the last perambulation on the 3rd June, 1856, when, as will be noticed hereafter, an extension of the north and south boundaries was claimed from the townships of Monkwearmouth Shore and Bishopwearmouth. The latter township has acceded to the claim of Sunderland Parish. We may observe that neither of the extended boundaries (including an area of upwards of twenty-seven acres of ground &c. on the north side of the river) are included in the Ordnance Survey of the East Ward.

Area of the Parish of Sunderland, shewing the content of each Ward in such parish, also the quantity contained in each, dock, river, &c., &c.

NAME OF PORTION.					Acres	Ro.	Per
East Ward,	Tidal Harbour,	..	..	..	7	2	30
	Half-Tide Basin,	..	..	..	4	1	15
	Graving Dock,	..	..	..	0	2	1
	Part of Sunderland Dock,*	..	..	..	27	3	39
	Ditto River Wear Tidal Water,	..	..	..	24	3	31
	Ditto North Eastern and Durham and Sunderland Railways,	..	..	..	6	3	21
	Ditto Londonderry, Seaham, and Sunderland Railway,	..	..	..	1	0	13
	The remaining part of of the Ward	..	..	..	136	1	36

the said County, were then usually resident or acting as such within the boundaries of the said proposed new Division (that is to say),

* It will be seen from the above measurements that the water area of the tidal harbour, half-tide basin, and the Sunderland part of

NAME OF PORTION.				Acres.	Ro.	Per.
Part of Bishopwearmouth Ward,	..	..	..	2	1	3
Ditto Bridge Ward,	..	..	..	0	1	4
Ditto Sunderland Ward,	..	..	..	18	1	22
Total Area of the Parish,				230	3	15

It was a general custom formerly, says Bourne, and is still observed in some country parishes, to go round the bounds and limits of the parish on one of the three days before Holy Thursday, or the Feast of our Lord's Ascension, when the minister accompanied by his churchwardens and parishioners were wont to deprecate the vengeance of God, beg a blessing on the fruits of the earth, and preserve the rights and properties of the parish.*

"That ev'ry man might keep his owne possessions,
Our fathers us'd, in reverent Processions,
(With zealous prayers, and with praiseful cheere),
To walke their parish-limits once a yeare;
And well-knowne markes (which sacrilegious hands
Now cut or breake) so bord'red out their lands,
That ev'ry one distinctly knew his owne;
And many brawles, now rife, were then unknowne,"

Withers' Emblems, fol. 1685, p. 161.

Bourne cites Spelman (Gloss. v. Perambulatio) as Sir Hedworth Williamson, Baronet; the Reverend George Stephenson, clerk; John Davison, Addison Fenwick, Robert Reay, Ralph Carr, the dock, considerably exceeds the area of tidal water of the river Wear in the parish of Sunderland; showing that that magnificent work of art, the dock, for the possession of which the town of Sunderland is under the deepest obligations to George Hudson, Esq., M.P., has conferred greater advantages upon it than was given to it by nature.

* "Antiquitates Vulgares," c. 26.

deriving this custom from the times of the Heathens, and that it is an imitation of the Feast called Terminalia, which was dedicated to the God Terminus, whom they considered as the guardian of fields and landmarks, and the keeper up of friendship and peace among men. The primitive custom used by Christians on this occasion was, for the people to accompany the bishop or some of the clergy into the fields, where Litanies were made and the mercy of God implored, that he would avert the evils of plague and pestilence, that he would send them good and seasonable weather, and give them in due season the fruits of the earth.

The Litanies or Rogations then used gave the name of Rogation Week, to this time. They occur as early as the 550th year of the Christian era, when they were first observed by Mamertius, Bishop of Vienna, on account of the frequent earthquakes that happened, and the incursions of wild beasts, which laid in ruins and depopulated the city.

By the Canons of Cuthbert, Archbishop of Canterbury, made at Cloveshoo, in the year 747, it was ordered that Litanies, that is Rogations, should be observed by the clergy and all the people, with great reverence, on the seventh of the Calends of May, according to the rites

Richard Spoor, Richard White, Andrew White, Thomas Wilkinson, Joseph Simpson, Edward Backhouse, Walker Featherstonhaugh, and Richard Pemberton, Esquires; which said statement has been duly published as required by the said Act.

Now upon full consideration of the said statement, and upon due proof adduced before this Court, that for two years last past there have been, and that at this time there are, at the least, five Justices of the Peace residing in or usually acting within the boundary line

of the Church of Rome, which terms this the greater Litany, and also, according to the custom of our forefathers, on the three days before the Ascension of our Lord, with fastings, &c.

In the Injunctions also made in the reign of Queen Elizabeth,* it is ordered "That the Curate at certain and convenient places, shall admonish the people to give thanks to God, in the beholding of God's benefits, for the increase and abundance of his fruits, saying the 103rd Psalm, &c. At which time the minister shall inculcate these, or such sentences,—'Cursed be he which translateth the bounds and doles of his neighbours,' or such orders of prayers as shall be hereafter."

proposed to be the limits of the said proposed new Division,—It is ordered that the said statement, under the hands of the said Andrew White, Joseph Simpson, Richard White, Walker Featherstonhaugh, Ralph Carr, Richard Spoor, Richard Pemberton and Edward Backhouse, shall be, and the same is hereby adopted; and that the several Parishes, Townships, and Places enumerated in the same statement, shall be comprised within, and shall constitute, a new Division, to be called the "Sunderland Division," within which Special Sessions shall be holden,—And it is further ordered, that this order shall take effect upon, and from the third day of January next.

By the Court,

WHARTON.

* Injunction, 19 Eliz. By "Advertisements partly for due Order in the publique Administration of Common Prayers, &c. by vertue of the Queene's Majesties Letters commanding the same, the 25th day of January (An. 7 Eliz.)" 4to., Lond. imp. by Reginalde Wolfe signat. B. 1, it was directed, *inter alia*—"Item, that, in the Rogation Daies of Procession, they singe or saye in Englishe the two Psalmes beginayng 'Benedic Anima Mea,' &c. with the Letanye and suffrages thereunto, withe one homelye of thankesgevyng to God, already de-

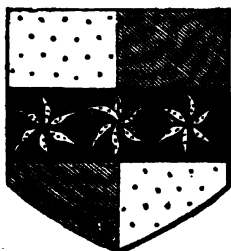
What is related on this head in the Life of Hooker author of the Ecclesiastical Polity, is extremely interesting: "He would by no means omit the customary time of Procession, persuading all, both rich and poor, if they desired the preservation of love and their parish rights and liberties, to accompany him in his Perambulation; and most did so; in which perambulation he would usually express more pleasant discourse than at other times, and would then always drop some loving and facetious observations, to be remembered against the next year, especially by the boys and young people: still inclining them, and all his present Parishioners, to meekness and mutual kindnesses and love; because love thinks not evil, but covers a multitude of infirmitities."

In Herbert's Country Parson, 12mo., Lond., 1652, revised and divided into four partes, without addition of any superstitious ceremonies heretofore used."—"Brand's Popular Antiquities," i., 122, ed. 1841 Mr. Brand continues:—I find the following in Articles of Enquiry within the Archdeaconry of Middlesex, A.D. 1662, "Doth your minister or Curate in Rogation Days go in Perambulation about your parish, saying and using the Psalms and Suffrages by law appointed, as viz, Psalms 103 and 104, the Letany and Suffrages, together with the Homily, set out for that end and purpose? Doth he admonish the people to give thanks to God, if they see any likely hopes of plenty, and to call upon him for his mercy, if there be any fear of scarcity; and do you, the Churchwardens, assist him in it?" In similar Articles for the Archdeaconry of Northumberland, 1662, the following occurs: "Doth your Parson or Vicar observe the three Rogation Dayes?" In others for the Diocese of Chichester, 1637, is the subsequent: "Doth your minister yeerely, in Rogation Weeke, for the knowing and distinguishing of the bounds of parishes, and for obtaining God's blessing upon the fruites of the ground, walke the Perambulation, and say, or sing, in English, the Gospells, Epistles, Letanie, and other devout Prayers; together with the 103rd and 104th Psalms?"

p. 157, ch. 35, we are told : " The Country Parson is a lover of old Customs, if they be good and harmlesse. Particularly, he loves Procession and maintains it, because there are contained four manifest advantages. First, a blessing of God for the fruits of the field. Second, Justice in the preservation of bounds. Third, Charitie in loving, walking, and neighbourly accompanying one another, with reconciling of differences at that time, if there be any. Fourth, Mercie, in relieving the poor by a liberal distribution and largess, which at that time is or ought to be used. Wherefore he exacts of all to be present at the Perambulation, and those that withdraw and sever themselves from it he mislikes, and reproves as uncharitable and unneighbourly ; and, if they will not reforme, presents them."*

Richard Barnes, Bishop of Durham (1577-87) who

BARNES.



appears to have had a pious horror of certain holidays† was very anxious to carry out Queen Elizabeth's injunctions respecting parochial perambulations, &c., for in his Injunctions dated "Tewesdaie the first daie of October 1577" to the clergy of the diocese of "Duresme," we find

"First we monishe & straitlie enjoyne & comaund that all & singler the quenes majesties injunctions be in all respectes dulye & fully observed performed & fulfilled of all and singler parsons to whom the same doethe ap-

* "Brand's Popular Antiquities," i., 116-7, Lond. 1841.

† That no popishe abrogated hollydaies be kept hollydaies, nor any divine servise publicquely saide or celebrated on any such daies, nor any superfluous faste be vsed as those called the Lady fast, sent

pertayne vnder the paynes and censures ecclesiasticall," and in his "Monicons especially given to the churchwardons," inter alia, "we monish charge & comaunde the churchwardens of every parishe & chappell that they diligently & faithfully attend to the due execucon of all & every the Quenes majesties Injunctyons & theise our monicons, & faithefully at euery generall chapter present the names & surnames of all & singuler the violaters & transgressors of the same without parcialtie of what estate degre or callinge soever the same shall be."

The first perambulation of the parish of Sunderland was made on the 3rd of September, 1811, by the Rev. John Hampson, M.A., rector, the Rev. John Hayton, curate, Mr. William Mounsey and Mr. William Chisman, churchwardens, Mr. George Wheatley and Mr. William Bulman, overseers; Richard Markham, Esq., Lieut.-Col. Commandant of the Sunderland Volunteer Artillery; Mr. William Brass, Mr. Thomas Satchell, Mr. William Had-dock, senior, Mr. Gowland Summers, Mr. Avery Hornsby, Mr. William Robson, Mr. George Wood, assistant overseer, and others.

Previous to setting out on the perambulation, a resolution usual on such occasions was unanimously passed in the vestry—"That in case any action or actions for trespass were brought against any person or persons concerned in perambulating the boundaries, such action or actions would be defended at the expence of the parish at large."

The perambulators, under a merry peal from the old trinyons fast, the black faste, Saint Margaret fast or suche other invented by the devill to the dishonouringe of God, and damnacon of the sowles of idolatrous & superstitious persons.—*Bishop Barnes Injunctions.*

five bells* of the parish church, headed by the rector and the parish officers with their official wands proceeded up Coronation Street (then called the "Back Lonin"†) at different parts of which and upon the boundary line adjoining Bishopwearmouth, "S.P." for Sunderland Parish was for the first time painted up, and a plentiful supply of gingerbread nuts thrown away amongst the youngsters. They then passed down Sans Street and; Beggar Bank, (Russell Street,) at the foot of which several cobbles were in waiting (steam boats at that time being unknown). There the party embarked and proceeded down the river to sea, where they took a good offing to claim the boundaries of the parish down to low water mark.

The perambulators landed from the cobbles on the beach at the "way foot" in the dene at the south end of the Town Moor, led on by Mr. George Paxton, joiner, an aged man who well knew that part of the southern boundary of the parish from his father having been for many years the herd of the cattle stinted upon the Town Moor. They then passed up the middle of the small stream on the south side of the Octagon Cottage, then the land in dispute. In order that no part of the parish might be lost, here some boys "plodged" or waded under the

* It is said that the sixth bell, intended to have completed the number ordered at the building of the church, was lost at sea on its passage from London. This is partly confirmed by the fact that the oak frame in which the five bells were hung in the steeple of the church was divided into six compartments; five of them were occupied by bells, and the sixth remained vacant, contrary to original intention.

† This name was changed to Coronation Street in 1821, in commemoration of the coronation of King George IV. The title deeds of some of the old houses in this street describe them as situated in the back lane.

arch that carries the carriage road to Hendon House over this stream, which was diverted between this arch and the sea, in 1821, by George Robinson, Esq., of Hendon Lodge, allowing some thousands of tons of ballast to be deposited on his land on the south side of the stream, for which he received twopence per ton from the wharfingers. This proceeding diverted the stream, the natural boundary, between Sunderland and Bishopwearmouth, about seven feet northwards into the Sunderland boundary. On entering the plantation of Hendon Lodge now the site of Moor Terrace, &c., &c., John Maling, Esq., once an inmate of the Lodge, grandfather of Christopher Maling Webster, Esq., of Pallion Hall, joined the perambulators, and assisted Mr. Paxton in pointing out the Sunderland part of the Bishop of Durham's waste, upon which parts of the north and south ends, including a portion of the drawing-room and kitchen of Hendon Lodge are built: and through these rooms some of the perambulators passed.

This perambulation was made owing to Hendry Hopper Esq., of Hendon House, having a short time previously built the Octagon Cottage and enclosed a garden (now part of the site of Messrs. Ray and Hopper's landsale coal staith) as a lodge or gatehouse, &c., to his newly formed carriage road (which he had purchased through the adjoining copyhold land on the south from George Robinson, Esq., of Hendon Lodge), to his residence at Hendon House. This cottage, &c., occupies a part of the outlying waste of the Town Moor, formerly belonging exclusively to the Bishop of Durham, as lord of the borough or manor of Sunderland, but now, by an Act of Parliament, passed in 1853, vested in the Principals and

Governors of the Sunderland Orphan Asylum. Mr. Joseph Davison, of Bishopwearmouth, builder, was the first tenant of the Octagon Cottage, &c., and, acting under the instructions of his landlord, Mr. Hendry Hopper, paid his poor-rate to the Bishopwearmouth overseers, Mr. Hopper contending that the cottage, &c., was situated in that township. The demand of the Sunderland overseers (who claimed the premises as part and parcel of their parish) for poor-rate was refused, in consequence of which they distrained upon, and removed a large dining table belonging to Mr. Davison, which was restored to that gentleman, upon his paying the rate to Sunderland parish. Mr. Hendry Hopper, who was a keen sharp-sighted lawyer, although defeated by the Sunderland overseers successfully resisted all claims made upon him by the freemen and stallingers of Sunderland for ground rent of the Octagon Cottage, &c. Whenever the freemen applied to Mr. Hopper for ground rent, he invariably laughed them off by telling them "to keep themselves quiet or he would bring the Bishop of Durham upon them to take the herbage of the Town Moor from them." At the death of Mr. Hendry Hopper, the Octagon Cottage, &c., fell to his nephew, the late Thomas Hopper, Esq., of Silksworth, and afterwards to another nephew, Thomas Hopper, Esq., of Durham, both of whom followed the example of their uncle and never acknowledged the freemen and stallingers as their landlords. Thomas Hopper, Esq., of Durham, sold the Octagon Cottage and a part of his Hendon copyhold, to the late Edward Wylam, Esq., of Chester-le-Street, who, on the 27th September, 1831, accepted a lease of the ground for 21 years, from the grassmen (the

then three junior freemen) at the same nominal yearly rent of twenty shillings, not one farthing of which was ever paid by him, and who afterwards sold the premises to Christopher Bramwell, Esq., wine and spirit merchant, Church Street, Sunderland, to whom, his brother freemen the three grassmen, Messrs. William Robinson, officer of the customs, James Crosby, tallow chandler, and John Ward, surgeon, granted a new lease for twenty-one years, on the 21st August, 1835, at the same nominal rent of twenty shillings, renewable for ever at the like rent. With this lease in his possession, upon the Octagon Cottage and garden being converted into a landsale coal staith in 1838, Mr. Bramwell revived the stale story of Mr. Hendry Hopper, that the premises were in Bishopwearmouth township, to which absurdity the Sunderland overseers promptly stated their determination to distrain for their rate if not immediately paid. This settled the Octagon Cottage matter probably for ever.

The second perambulation of the boundaries was made August 7, 1828, by the Rev. Robert Gray, M.A., rector; the Rev. Richard Ebenezer Leach, curate; Mr. Thomas Hodge, and Mr. Henry Preston, churchwardens; Mr. William Boyes Walker, and Mr. George Booth, overseers; Mr. George Lord, parish clerk; Mr. Joseph John Wright, vestry clerk; Mr. Richard Dowell, town surveyor; Mr. William Nicholson, sen., Mr. Thomas Burdon, Mr. George C. Cawood, Mr. James Crosby, Mr. Robert Young, Mr. Thomas Reed, jun., Mr. William Kirk, Mr. Matthew Middlebrook, Mr. Henry Burdon Taylor, assistant overseer, &c., &c.

On this occasion, a steamboat was engaged for the first time to convey the perambulators down the river

and to sea, and who were landed on the sea beach at the "way foot" by means of cobbles.

The following, relating to this perambulation, is extracted from the vestry book :—

"The procession having returned to the vestry-room, 'It was resolved that this meeting, having been prevented from motives of courtesy from passing through Mr. George Robinson's kitchen, at Hendon Lodge, part of which it is understood is included in this parish, that an entry be made in the vestry book to that effect.'"

On the 12th May, 1845, a third perambulation of the parish was made by the Rev. William Webb, M.A., rector; Mr. Martin Moore, and Mr. Robert Holmes, churchwardens; Mr. James Douthwaite, and Mr. John Samuel Barron, overseers; Mr. Henry Burdon Taylor, assistant overseer; Mr. George Lord, parish clerk; Mr. William Drysdale, town surveyor; Mr. Richard Bradley, Mr. Thomas Reed, Mr. Joseph Andrews, Mr. John Ward, Mr. Edward Smith, Mr. James Dannatt, Mr. William Walker, wharfinger, &c., &c.

At this perambulation, in addition to the usual liberal distribution of gingerbread nuts, a large quantity of half-farthings, brought from London expressly for the occasion, were thrown amongst the youngsters.

On the 3rd May, 1853, the fourth perambulation of the parish was made by the Rev. Henry Peters, rector; Mr. Thomas Bradley, and Mr. Joseph Humphrey, churchwardens; Mr. William Thompson, Mr. David Palin Huntly, and Mr. John Potts, overseers; Mr. Thomas Fenwick Hedley, assistant overseer; Mr. William Drysdale, town surveyor; Mr. George Lord, parish clerk; Mr. Thomas Campbell; Mr. Henry Taylor; Mr. Robert Burbank

Porrett; Mr. Peter Lockie; Mr. Ralph Dauson; Mr. Thomas Adamson; Mr. Benjamin Palin; Mr. John Humphrey, relieving officer, and others.

Previous to leaving the vestry-room on this perambulation, the following letter, addressed to the parish officers by Mr. Michael Coxon, secretary to the Sunderland Dock Company, was read:—

“Sunderland Dock, May 2, 1853.

“GENTLEMEN,

“Seeing that the boundaries of the parish of Sunderland are intended to be perambulated to-morrow, the 3rd instant, as secretary of the Sunderland Dock Company, I am instructed to inform you that such part of their property as was covered by the sea at the passing of the Dock Act, authorizing the making of Sunderland Dock, and on which the Dock has been constructed, is extra-parochial, and not included in the parish of Sunderland. And, therefore, I am ordered to protest against such part being included in the parish of Sunderland.”

I am, Gentlemen,

Your obedient Servant,

M. COXON, Secretary.”

The meeting resolved to leave this letter for the consideration of a future meeting of the ratepayers, and then proceeded to make the perambulation of the parish by the usual route, including the ancient low water mark of the sea and the whole of the Dock property within its boundaries. The boundary dinner was held at Mrs. Davison's, Saddle Inn, High Street, on the same day, the Rev. Henry Peters, rector, in the chair.

At a meeting of the ratepayers of the parish convened

by the following circular held on the 12th of the same month,

"Parish of Sunderland-near-the-Sea."

"Notice is hereby given that a public meeting of the inhabitants of the parish paying scot and lot, will be held in the vestry-room of the parish church, on Thursday next the 12th instant, at Ten o'clock in the forenoon, to take into consideration the expediency of authorising and empowering the churchwardens and overseers of the poor to take such proceedings as they may deem necessary from time to time to protect the interests and preserve the rights of the parish. Especially in reference to a claim made by the Sunderland Dock Company, that a portion of land used and occupied by them is extra-parochial."

HENRY PETERS, Rector.

THOMAS ADAMSON, }
EDWARD ANDREWS, } Churchwardens.

WILLIAM THOMPSON, }
THOMAS RIPON ELLIOTT, } Overseers
JOHN POTTS, } of the Poor.
DAVID PALIN HUNTLY, }

"Sunderland, May 7, 1853."

Mr. Joseph John Wright, solicitor to the Dock Company, attended and stated that the Company had abandoned their claim that the greatest part of their property was extra-parochial, and that they were ready to enter into arrangements with the parish officers as to the amount of rates to be levied upon them. This offer was accepted, and the Dock Company and their tenants are now rated upon the whole of the land recovered and gained from the sea.

The boundaries of the parish were perambulated for the fifth time on the 3rd June, 1856, by the Rev. Henry Peters, rector; the Rev. John Thomas Smith, B.A., curate; Mr. George Lord, parish clerk; Mr. Robert Burbank Porrett, churchwarden; Mr. John Bruce, overseer; Mr. Thomas Fenwick Hedley, assistant-overseer; Mr. John Thompson, builder; Mr. Henry Spencer; Mr. Jeremiah William Summers; Mr. John Harrison Wake; Mr. John Ferguson; Mr. Thomas Reed Wilson; Mr. Benjamin Palin; Mr. Thomas Waggot and others.

After the usual preliminary business in the vestry had been settled, the perambulators sallied forth under a merry peal of the church bells. The first place visited was the top of Baines's Lane, where "S.P." was painted upon the house on the east side of that thoroughfare, and Mr. Hedley, assistant-overseer made the following proclamation for the first time :—

☉ *Ps* ! ☉ *Ps* !! ☉ *Ps* !!!

Be it known to all men, that the parish of Sunderland-near-the-Sea, in the County Palatine of Durham, includes certain grounds, premises, and hereditaments, now lying and being on the north side of the river Wear, immediately adjoining and contiguous to certain other grounds, premises, and hereditaments, lying and being within the township of Monkwearmouth Shore, in the parish of Monkwearmouth, which said grounds, premises, and hereditaments were previously to the diverting of the ancient or natural channel of the river Wear, on and towards the sea, on the south or parish of Sunderland side of the river Wear. It is therefore publicly proclaimed and declared, that the above-named grounds, premises, and hereditaments, formerly lying on the south side of the ancient

channel of the said river Wear, together with one-half, or to midstream of the said ancient channel, were anciently, and are now part and parcel of the said parish of Sunderland-near-the-Sea aforesaid.

And now the Nuts !

This ended, a plentiful supply of gingerbread nuts were thrown away amongst the assembled youngsters, a ceremony not to be despised, seeing that the memory of the "bairns" will no doubt be brightened up on mnemonic principles, and should any boundary dispute arise in future years, putting the nuts and the ceremony together will tend materially to settle points which might otherwise have escaped recollection. The perambulators then proceeded westward up Coronation Street until they came to a narrow back street between New Grey Street and Flag Lane, down which they went about 45 yards, where Mr. Hedley, with a sufficient number of witnesses, posted through the dwelling of a worthy old dame, who could not make out "what for they always came through her house." Passing through Flag Lane, Mr. Wynn's timber yard, at the north end of Walton Place, came next in order. "Toss up some nuts," was the command of an indefatigable overseer, and "throw them into our parish." The young expectants (and some old ones too) were delighted at this, and away went the nuts into untrodden "n'yuks" and corners of "our" parish, followed by the scampering of merry-hearted children, with whom it was indeed a grand day. Passing through Spring Garden Lane, George Street, and Covent Garden Street, Sans Street was next perambulated, previously to doing which a house near Mr. Sutherland's portrait rooms was marked "S.P." On arriving at the top of Russell Street, anciently

and in popular language still called Beggar's Bank, High Street, Mr. Hedley again read the proclamation, and a house on the south-west corner thereof, the property of Viscount Boyne, of Brancepath Castle (now the representative of the Russell family), marked "S.P." Down Russell Street, painting as they passed, went the officials, and through the premises of the Testing Machine (a part only of which is in Sunderland Parish), where, about the year 1682, the ingenious Sir Ambrose Crowley first established his iron works. At the boundary between the Parish of Sunderland and the township of Bishopwearmouth Panns, the "Stella" steamboat was in waiting, on board of which the perambulators embarked, and proceeded slowly down the river at mid-stream until reaching the east point of the Ham Sand at the west end of the Potatoe Garth on the north side of the river whence the ancient channel took its course; here the steamer ran as close to the north shore as the water would admit. Mr. Hedley here again made proclamation, adding, that the grounds and premises claimed by the parish of Sunderland were passed without being perambulated, such omission not to prejudice the claim of the parish of Sunderland. Three hearty cheers were then given by the party on board, which were heartily responded to by some shipwrights at work on the Ham Sand. The "Stella" then proceeded to sea, outside of the ballast buoys, to claim the parish down to the ancient low water mark; after which the steamer neared the shore a little to the south of the sea entrance of Sunderland Dock, where the party landed on the barrier beach by means of cobbles, as before. The assembled perambulators now approached the Dock Extension, after duly fixing the

boundaries of which they proceeded to the Hendon Landsale Coal Staith. Passing the Octagon Cottage, East Woodbine Street was reached. Here the boundary, like the debateable land on the Scottish border "was ill to read," but the line was drawn by giving about two-thirds of house No. 13 to Sunderland, and one-third to Bishopwearmouth. A few back streets near the Moor were next perambulated—Mr. Hedley performing his usual acrobatic feat of jumping through a window at Messrs.

THOMPSON.



John and Joseph Thompson's saw-mill (formerly Hendon Lodge); and the proclamation was finally made at the foot of Laurence Street. The company then passed along Adelaide Place to the point of commencement in Coronation Street; and from thence right along to the

church—the bells ringing out merrily, as they had done at intervals during the day. Refreshments were again served in the vestry; and, after a vote of thanks was passed to the rector for his attendance, the proceedings terminated, without prejudice either to Sunderland or Monkwearmouth Shore, the claimants of the disputed grounds.

The premises on the north side of the river Wear, claimed by the parish of Sunderland at the last perambulation, comprise all those grounds, &c., situate, lying, and being between and bounded by the ancient low water mark of the sea on the east, the mid-stream of the present but artificially made channel of the river on the south, and the mid-stream of that part of its ancient but naturally formed navigable channel formerly known as the Stell

on the north, the mid-stream of which commenced and took its course at and from the mid stream of the present channel at a point situate about 1,100 feet to the north-east of the north-west corner of the original Custom House of the port of Sunderland, adjoining Ettrick's Quay, and about 1,360 feet to the south-east from the east end of St. Peter's Church, Monkwearmouth; thence running across the Ham Sand about 540 feet in a direction nearly due north to another point at mid-stream, about 1,550 feet to the north-east of the said Custom House, and about 1,300 feet nearly due east of the said church; thence the channel passed through some ship-building yards in a direct line with the "West Beacon," formerly standing upon "Dame Dolly's Rock," to a point at mid-stream, situate about 1,740 feet to the north-east of the said Custom House, about 1,360 feet north by east from the said church, and about 840 feet from the Pier or Commissioners' Quay: the Stell then bended to the north-east to a point in the mid-stream thereof, situate about 230 feet due east of the said "West Beacon," 2,030 feet from the said Custom House, 1,640 feet from the said church, and 860 feet from the tidal guage upon the quay at the north-west corner of the beaching basin; thence across the Potatoe Garth in a direction nearly parallel with, but at distances varying from 480 to 455 feet from the low water mark of ordinary spring tides on the north side of the present channel, to a point a little to the west of the Wearmouth Dock Tidal Basin, situate about 2,740 feet from the said Custom House, 2,440 feet from the said church, and about 760 feet north by west from the quay at the north-east corner of the beaching basin; thence to a point on the western quay of the said

tidal basin about 250 feet from its corner adjoining the river ; thence crossing the said tidal basin to a point on its eastern quay, situate about 220 feet from the face of the north pier when measured in a due southerly direction ; thence the mid-stream of the Stell pursued a nearly direct line to its confluence with the sea, about 270 feet to the north of the lighthouse upon the north pier.

From these measurements, which have been carefully reduced from Mr. Fawcett's Plan of the Mouth of the River in 1719 (given with this work), and compared with a " Plan of the Mouth of the River Wear, showing its state in 1846," by John Murray, Esq., C.E., we find the land and water area of the said premises claimed by the parish of Sunderland to be as follows :—



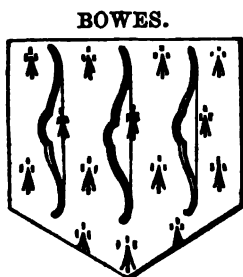
VIEW OF THE MOUTH OF THE RIVER WEAR IN 1839.

	ACRES.	RO.	PER.
Parts of the Ham Sand and Potatoe Garth, and grounds, &c., adjoining thereunto, situate to the west of the tidal basin, and between the			

	ACRES.	RO.	PER.
mid-stream of the Stell and the low water mark of the present channel of the river	13	0	14
Part of Wearmouth Dock tidal basin, the whole of the North Pier, Glacis, and grounds, &c., on the north side thereof	6	1	13
One-half, or from mid-stream to low water mark on the north side, of the tidal water of the present chan- nel of the river	8	0	15
Total ...	27	2	2

The claim of the parishioners is founded upon the assumption that the mid-stream of the ancient navigable channel of the river is the northern boundary of their parish. This is confirmed by the following grant *de novo*, dated May 8, 1601, 43 Elizabeth, by special licence of Tobias Matthew, Bishop of Durham, to Ralph Bowes,

Esq., of Barnes, vice-admiral of the County Palatine of Durham, of "the whole waste tenure, lying along the river or bank of the Wear, on the south part of the same, as far as the water extends itself and runs from west towards the east, within the parish of Bishopwearmouth, from the



mete called the low water mark, to the mete called the high water mark, of the waste of the lord. To hold to the said Ralph Bowes, Esq., and his sequels in right as of new increase. Rendering therefore by the year to

the said lord bishop and his successors, as lords of the manor of Houghton, ten shillings at the feasts of Pentecost and Saint Martin, as of new rent."* This grant, made previous to the separation of the parish of Sunderland from the parish of Bishopwearmouth, included the whole of the wastes then lying within the flow of the tide in the townships of Sunderland, Bishopwearmouth, and Ford. At that time, it is questionable whether the small township of Bishopwearmouth Panns existed, the only reference to it being in the "Survey and Value of all the Mannors lands ten^{ts} and possessions lying in the Countie of Durham being p'cell or belonging to the Busshopricke of Duresme now in the Quenes Ma^{ty} Hands and possession by reason that the Sea there is voyde made in the moneth of Aprill in the thirtieth yeare of the Reigne of Or Sov^raigne Ladie Elizabeth [1587] by the Grace off God of England Ffrance and Ireland Quene Defender of the Fayth, &c.," where amongst the "Tennts by Copie at the Halmott Courtt," we find "Ralphe Bowes gent. a p'cell of grounde called panne hole, rent, 3 s."† From the locality, and on examination of the strata of the Panns, it is evident that the whole of it has been a sandy gravelly beach within the flow of the tide that washed the adjoining steep and craggy banks, and further evidence shews that this waste beach was quayed from the river by the families of Bowes, Lambton, and others, as the copyhold tenants of the manor of Houghton.

* From the Rolls of the Manor of Houghton, Exchequer Office, Durham.

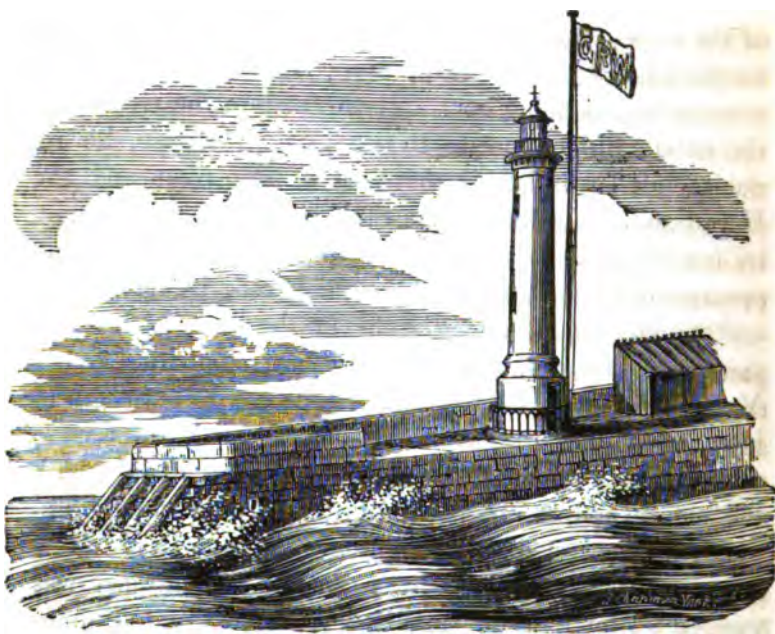
† From the Bishop of Durham's Auditor's Office, Exchequer, Durham.

The grant of river waste to Ralph Bowes, Esq., in 1601 covers, inter alia "The Stell Canch," now part of the site of the Potatoe Garth, as shown by the plan of the mouth of the River Wear in 1719, by Mr. James Fawcett. At the latter period, says John Murray, Esq., C.E., "the quay on the Sunderland side of the river terminated a little way below the then Custom House. The banks eastward formed the verge, or boundary of the Town Moor. The channel of the river was diverted towards the north, by high rocks, until it came again in contact with Dame Dolly's rock, on the northern side, where a beacon was erected. The channel then proceeded eastward, passing another beacon erected on the western end of the North rocks, near the low-water mark. The bar was situated still further to the eastward, and caused the river to diverge into various channels, at its confluence with the sea. There was also a swatchway through the Stell Canch, the waters of which found their way to the sea, in a circuitous manner, through the sands. The high-water mark at that time [1719], approached within 150 yards of the east end of [Saint Peter's] Monkwearmouth church; it is now [1849] 420 yards distant from it, when measured in the same easterly direction; consequently a great portion of what is now dry land, and formed into streets and shipbuilding yards, was then overflowed by the tide.* Encroachment seems to have been the order of the day, for in a report on the state of the harbour in 1748, by Mr. Charles Labelye, the engineer of Westminster Bridge (as quoted by Mr. Murray) that gentleman "was

* "An Account of the Progressive Improvement of Sunderland Harbour, and the River Wear, by John Murray, Esq., C.E.," p. 6, London, 1849.

of opinion, that the goodness both of the river and harbour was greatly impaired by many injurious circumstances," *inter alia*, "the increasing contraction of the river nearly opposite to the Custom House (by the tide continuing to wash the ballast-heaps down into the river) which, if suffered to proceed, would be the utter ruin of the haven, and also greatly endanger the wharfs and buildings adjoining." To remedy this evil and "to prevent the sands being constantly swept into the river from the ballast hills, opposite to the Custom House, he recommended wharfing in that part of the river and the Ham Sand. To deepen the Stell two feet or three feet, by manual labour. The better to cover the haven and secure the ships from being endangered, by great seas and violent winds, setting right up the harbour, he proposed a north pier, which would greatly contribute to it." Many of these judicious views of Labelye do not seem to have been carried into execution, as forty years were allowed to elapse, before the north pier, upon which the safety and maintenance of the harbour chiefly depended, was carried into execution. At page 15 Mr. Murray observes:—"In the winter of 1785 the entrance was warped up by a large sand-bed, which extended quite across the harbour's mouth, leaving scarcely depth of water for the passage of a light vessel. A large accumulation had also taken place on the Ham Sand, whereby the high-water mark was forced more than 270 yards to the eastward." Well may that eminent engineer exclaim, "It appears surprising, that no efforts had been made to prevent such an occurrence. On the contrary, the lengthening of the south pier into the estuary, was the principal object of each successive engineer." The Stell

remained the navigable channel of the river until the year 1752, when Mr. Vincent, of Scarborough, was appointed resident engineer to the Commissioners of the river Wear. "Mr. Vincents attention seems to have been immediately turned to open out the old Sledway and to



IRON LIGHTHOUSE ON THE SOUTH PIER,

Designed by Thomas Meik, Esq., C.E., 1856.

make it the navigable channel. To assist in doing which he sunk several old keels, drove piles, and adopted other means to stop up the north channel at the Stell."* Thus

* "An Account of the Progressive Improvement of Sunderland Harbour, and the River Wear," p. 10.

was the ancient channel diverted, and hence the claim by the parish of Sunderland to grounds &c. on the now opposite shore, which is further corroborated in the cause Haslerigg and others against the Bishop of Durham and his lessee: this will be more fully given hereafter.

In the year 1847, some workmen in the employment of the Commissioners, when working near the sand point on the north side of the river, and within 50 feet of the present low-water mark, came in contact with, and dug up, an old keel, which had from appearances been sunk there for a great number of years. This was probably one of the many keels sunk by Mr. Vincent at the entrance of the Stell, in order to block it up and form the present channel of the river.

The last perambulation was made principally for the purpose of ascertaining the boundary line between the Sunderland and Bishopwearmouth parts of Sunderland Dock, which, by tracing the middle of the small stream before named, upon land shown by ancient plans to have extended much further to the eastward and been washed away by the sea, was indisputably fixed about seventy feet to the southward of its latterly reputed boundary at the present arched terminus of this stream on the western side of the Dock, and thence across the Dock and its barrier beach to the sea on the east. This extension, added to the ancient boundary of the parish established in 1811, but altered by Mr. George Robinson in 1821 diverting the burn past the Octagon Cottage, &c. (see p. 54), and only now restored, makes a gain of about two acres of highly rateable property to Sunderland upon its southern boundary, which was entirely overlooked at the previous perambulation in 1853.

Regarding the extension of the northern boundary of the parish to its ancient limits adjoining Monkwearmouth Shore, no doubt can be entertained on the matter. For, had the river been diverted by the work of nature instead of the art of man, the original land mark, the middle of its ancient channel would still remain inviolable. With these ultimate results, the perambulation of 1856 will prove much more beneficial to the interests of Sunderland than all the others before recorded.

In ancient records Sunderland is frequently found under the name of Weremouth, or Wearmouth, under which name the copyhold properties, created in 1601, held under the Ecclesiastical Commissioners, as part of their manor of Houghton, within it, are enrolled on the books of the manor, with the copyholds in the adjoining townships of Bishopwearmouth Panns and Bishopwearmouth, which are all held, at nominal yearly out-rents, directly from the lords of the manor, and not from other tenants of the lords, at heavy annual ground rents. At this time, the greeve, or bailiff of Wearmouth, in the manor of Houghton, includes the copyhold and leasehold properties held under the Ecclesiastical Commissioners in Sunderland, Bishopwearmouth (except the copyholds of the manor of Wearmouth or the rectory of Bishopwearmouth), and Bishopwearmouth Panns, within his greeveship or bailiwick, and all the ancient records of the manor of Houghton concur in treating the three places as Wearmouth.

In the more modern documents of the manor of Houghton, frequent mention is made of the village of Sunderland.

This will probably account for Camden and Leland overlooking Sunderland in their antiquarian researches.

Strange as it may appear, it is nevertheless a curious fact that, although the name of Wearmouth prevailed so much as occasioned Sunderland to escape the learned Camden's observation; in Kerius's map of the county of Durham, 1599, published in Camden's *Britannia*, 1604, neither Monkwearmouth nor Bishopwearmouth are mentioned, although both places are alluded to in that work, but at the mouth of the river "Sunderlande" is laid down! so also is "Fulwel," "Farntonhal," and "Riop,"* in their respective localities. In Speed's map of the same county, 1610, Sunderland is named, with "Munkwermouth" on the north side of the river; and "Weremouth" on the south side.

In the preceding chapter we have alluded to the fact that the point or tongue of land forming the modern parish of Sunderland formerly extended considerably farther into the sea than at present, and this is evidenced by the following records†:—

"Manor of Houghton, May 8, 1716, 2 George I.

"~~Nathaniel~~ [in his own right Lord Crewe], Lord Bishop of Durham, and lord of the manor of Houghton (in right of the see of Durham), made a grant *de novo*, and created a new copyhold, according to the custom of the manor, to John Lowes and Jane his wife, of a parcel of ground abutting upon the waste called Sunderland Town Moor on the west, and the sea on the other three sides."

And again:—

"February 11, 1720, 6 George I., surrender by way of mortgage, for thirty-five pounds, from John Lowes to Nicholas Burdon, of one parcel of land, containing in

* Fulwell, Farrington Hall, near Silksworth, and Ryhope.

† From the Halmote Court Office, Exchequer, Durham.

length, from north to south, thirteen yards ; and from east to west, eight yards, abutting upon the waste of the lord, called Sunderland Town Moor on the west, the sea on the east, north, and south, late in the possession of John Lowes and Jane his wife.*

Every trace of this point of land, on which it is supposed a house had been built, from the amount of money advanced by way of mortgage, had probably disappeared before the year 1737, when Messrs. Burleigh and Thompson published at the expense of the Commissioners, their "Plan of the River Wear from Newbridge to Sunderland Barr," for these gentlemen make no reference whatever to it. But they clearly shew a smaller object, the site of the "spaw" well on the Town Moor. At that time the spa well was about 70 yards westward from the Moor edge. It seems to have been of some celebrity during the last century, inasmuch as in the "Grassmen's" accounts for 1718, amongst other items of expenditure there is "for repairing the Spaw-well £2 0s. 6d." To protect the well from cattle and pollution, it was covered over with a brick arch, having an opening to the east, down which went a flight of five or six stone steps. According to printed authorities of the period, a bathing house similar to those at Scarborough, was erected here about the middle of the last century, and a taste for politeness and elegance introduced into the town. The spa was then at the zenith of its popularity, its waters (which issued out of the ground or bank on the west and fell into a stone trough fixed for the purpose) were much used by invalids and others, and attracted a goodly number of visi-

* From the Rolls of the Manor of Houghton, Exchequer Office, Durham.

tors from distant places, amongst whom the then Countess of Darlington took up her residence here during the bathing season, not only to enjoy the salubrious sea-borne breezes of Sunderland, but also to drink the waters of its healing chalybeat spa. The spa remained until the commencement of the present century, when it was washed away by the sea, and its whereabouts completely lost until in July 1849, its spring—three strong feeders, sensibly impregnated with sulphur and saline substances, was rediscovered at the bottom of the then south-east corner of Sunderland Dock, during the course of the excavation of that magnificent undertaking. The exact site of it was near that portion of the eastern quay wall subsequently removed in order to make the sea outlet; the distance, therefore, between that spot and the Town Moor edge westward, at the passing of the Sunderland Dock Act in 1846, (nearly the whole breadth of the dock at that place) added to the distance between the spa and the Moor edge eastward (which, according to Burleigh and Thompson's Plan, in 1737, was seventy yards), will at once show the quantity of invaluable land allowed to have been washed away by the sea during the preceding 109 years, without any means whatever being taken to prevent it. And on comparing Mr. Fawcett's Plan of the Mouth of the River in 1719, with Mr. Murray's Plan showing its state in 1846, it appears that at Jockey Dike Nook, the most easterly point of the Town Moor, the ground swallowed up by the waters of the mighty deep during the intervening 127 years, was about 380 feet in breadth, when measured in a due westerly direction.

The locality of the waste ground next mentioned is well known.

“ Lease* made this 6th day of May, 1749, 22 George II., between the Right Reverend Edward [Chandler] Lord Bishop of Durham, of the one part, and Newark Hudson [one of the Commissioners of the river Wear under the act of 1746-7], of Fatfield Staith, in the county of Durham, gentleman, of the other part.

“ The said Lord Bishop, for the consideration therein mentioned, did demise, grant, farm, and let, unto the said Newark Hudson, his executors and administrators, all that piece or parcel of waste ground, as the same is now covered with sand, situate, lying, and being within the parish, precincts, and territories of Sunderland-near-the-Sea, in the county of Durham, containing by estimation, from east to west, three hundred and thirty-three yards, or thereabouts ; and from north to south, six hundred and sixty yards or thereabouts, be the same more or less, bounding upon the sea on the east, Sunderland Town Moor on the west, Sunderland pier on the north, the south battery and Jockey Dike Nook on the south, together with all and singular ways, easements, profits, commodities, advantages, and appurtenances whatsoever to the same belonging, or in anywise appertaining, to hold for the term of twenty-one years, at and under the yearly rent of two shillings.

“ Proviso, that if rent not paid in twenty days after due, it shall be lawful for the said Lord Bishop to re-enter the said premises, and the same to have again, retain, re-possess, and enjoy, anything herein contained to the contrary hereof, anywise notwithstanding.

“ COVENANT for the payment of the rent, and for the

* From the Bishop of Durham's Auditor's Office, Exchequer, Durham.

due performance of all such customs, duties, and services, as have been accustomed to be performed."

This waste ground (referred to under the letter "G" on Burleigh and Thompson's Plan of the River Wear in 1737, and described by them as a "sand bank thrown up behind the pier above 14 feet thick"), which gradually diminished from the inroads of the sea upon it, was again leased, 6th June, 1771, by Bishop Trevor, to Nicholas Halhead, Esq., of the city of Durham, steward of the halmote courts, at the yearly rent of two shillings and sixpence, with the same covenants as the preceding lease.

Bishop Egerton, on the 6th February, 1779, and the 30th April, 1781, leased it to Mr. Halhead, at the same yearly rent of two shillings and sixpence and covenants. On the 17th June, 1810, Bishop Barrington leased it to Robert Biss, Esq., one of the Commissioners of the river Wear under the Act 49 George III., 1809, major in the Sunderland volunteer infantry, late of Deptford House, near Bishopwearmouth, then of Castle Eden, in the county of Durham, and afterwards of Warkworth, in the county of Northumberland, for twenty-one years, at the yearly rent of two shillings and sixpence, with the same covenants as in the preceding leases.

Various appropriations were made of this waste ground, which at one period went by the name of "No Man's Land."

The house and garden occupied by the engineer to the Commissioners of the river Wear, their offices, workshops, &c., &c., the life-boat house, and the house in which the keeper of the south pier lighthouse resided, Messrs. Dodds and Shotton's, boat-builders' shop, &c., &c., all covered portions of this waste at different periods.

The only parts that remained after the devastations of the sea, were entirely appropriated by the Commissioners of the River Wear, and the Sunderland Dock Company, for the beaching ground and workshops, &c., adjoining, the tidal harbour or entrance from the river Wear, the half-tidal basin, quays, and other parts of their works.

The following ships were built upon it by William Havelock, Esq., of Ford Hall, Bishopwearmouth (father

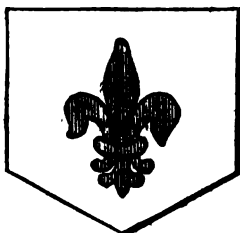
HAVELOCK.



of the gallant Colonel William Havelock, K.H., who so gloriously fell in the service of his country, at the head of his regiment, the 14th Light Dragoons, during a desperate and bloody engagement with the Sikhs, November 22, 1848):—The Themis, the William, and the Ellen, in 1792.

Mr. George Easterby, too, built ships in 1794; Mr. Cuthbert Vaux built the Diana in 1795; Mr. William Dunning built the Lord Eldon in 1802; Mr. Greenwell built ships in 1808; Mr. Thomas Mordey (father of our

MORDEY.



respected townsman, Mr. Alderman William Mordey, J.P., the originator and chairman of the "model" Sunderland and South Shields Water Company), built the Morning Star in 1811; and the Commissioners of the river Wear built the hull of their large dredger about thirty

years ago. These vessels were all launched into the sea, some of them at low water.

There are no records or evidences to show how the Commissioners of the river Wear became possessed of

this now highly valuable waste part of the "jura regalia" or royal rights of the county palatine of Durham, which upon the expiration of Bishop Barrington's lease to Mr. Robert Biss, again reverted to the Bishop of Durham, and his successors Bishops of Durham, from whom it passed to, and is now (1857), the property of the Ecclesiastical Commissioners.

It would appear that Mr. Newark Hudson and Mr. Robert Biss, both Commissioners of the river Wear at the dates of their respective leases in 1749 and 1810, knew nothing of any right of the Commissioners to this "sand bank" gained from the sea, and who are expressly precluded by their acts of parliament from acquiring any rights upon lands adjoining the river, except for the purposes of navigation. They are merely conservators of the tidal waters, and can only acquire, like private persons, a right to parts of the soil of the river by purchase from its owners. Under what title they are stated to have sold part of this "sand bank" in or about the year 1847, to the Sunderland Dock Company, for the sum of £2,700, exclusive of the value of their buildings upon it, remains unknown. A few years previous to the formation of Sunderland Dock, the Commissioners placed their mere or boundary stones along the line of demarcation, between it and that part of the Town Moor which during the last century was known as the Coney Warren, and in more ancient times as the Coney Garth, as appears by the following receipts extracted from "The Inventories and Account Rolls of the Benedictine House or Cell of Wearmouth," published by the "Surtees Society" in 1854.

1448-9	Received for.....Sayn between the Stell and Saltpan opposite the "Cunyingarth".....	s. d. 6 8
1449-50	Received for the fishery of the Sayn between the Stell and Saltpan op- posite the "Conynggarth".....	6 8
1452-3	Received for the fishery of the Sayne between the Stell and Saltpan op- posite the "Conynggarth".....	6 8
1453-4	Received for the fishery of the Sayn between the Stell and Saltpan op- posite the "Conynggarth".....	nothing this year.

The sea has made extensive ravages upon the land from the south pier to the southward of Hendon. Nearly in the centre of the Town Moor was a large ditch, the east end of which, for about forty yards in length, was covered with a brick arch five feet in height, open at each end. This culvert or tunnel went by the name of "Coppys hole." In the year 1807 an extensive seizure was made by the officers of customs of half anker kegs containing Holland's Gin, which had by some means got smuggled into this hole. Several other kegs of similar liquor, found buried in the sea beach, were seized at the same time. On the south side of the wall that divided the Coney Warren from the Town Moor, between it and the herd's house, stood an old government storehouse probably built at the date of the first batteries in its vicinity. And in the sea bank eastward, above the level of high-water mark, was a lime-kiln, with the sea rocks for its quarry. All these were swept away by the sea long ago. The house occupied by the herd of the Moor, opposite Barrack Street, has also been gone many years, although there are still a few old inhabitants who remember its existence.

It is said that the action of the sea upon the coast has been considerably increased by the extension of the piers at the harbour entrance.

A survey of Sunderland Moor, by Mr. Thomas Forster in 1742, shows a battery of four guns at the extreme north east corner of the Coney Warren, near the promenade at the river entrance of Sunderland Dock. The position (near the "Nab End or Rock") of this, the most ancient battery on record at Sunderland, was such as effectually commanded the Stell or north Channel of the river, as well as the roadstead.

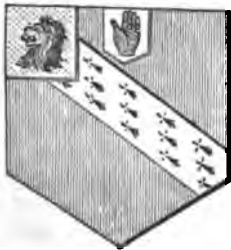
Between 1742 and 1749 (most probably in 1745, the year of the rebellion and final overthrow of the hopes of the House of Stuart), the south battery, of four guns, was built at Jockey Dike Nook, on the Town Moor. This battery stood nearly south-east of St. John's Chapel, and was washed away by the sea about 1780.

Upon the waste or sand-bank thrown up behind the south pier, the walled battery called Paul Jones's or the Black Cat battery was erected. This fort is said to have been built for the defence of the town when Commodore Paul Jones* (so named in the American service) was off Sunderland, on or about the 23rd September, 1779, with the *Bon Homme Richard*, *Pallas*, and *Alliance*, being a part of his small squadron of American

* Paul Jones was born near Dumfries, in Scotland; he entered into the American service on the declaration of independence in 1776, when he was appointed to command a small squadron of ships, under the American flag. With these ships he visited the English coast, where he performed several daring deeds. Various acts of the most revolting cruelty are ascribed to him, and his appearance off Sunderland, caused great terror amongst the inhabitants, who considered him a pirate. Great numbers of them left the town, whilst tradition says

ships, during the war of independence. Sometime after the disappearance of Paul Jones from the English coast, this battery was enlarged or rebuilt under the superintendence of Mr. Burke, a government engineer, who resided in the house in Warren Street, now (1857) the offices of Messrs. William Nicholson and Sons, ironfounders, &c. The battery had a furnace at its north end for heating shot, and mounted four twenty-four pounders. These guns and others on the coast were generally in charge of the Sunderland Loyal Volunteers, commanded by Major Robt. Hayton, of 9, Burleigh Street, and of the Sunderland Volunteer Artillery, commanded first by Major Thomas Scarth, of Hendon Red House, Comptroller of the Customs at the port of Sunderland, and late of Keverstone, near Raby Castle, and afterwards by Lieut. Col. Richard Markham, of 6, High Street, Sunderland, and Eden House, Bishopwearmouth. The name of the battery was partially changed from Paul Jones's to the Black Cat Battery from the following occurrence:—In the year 1805, the Sunderland Volunteer Infantry, commanded by Colonel Sir

MILBANKE.



Ralph Milbanke, Bart., of Seaham Hall, M.P. for the county of Durham were called out for twenty-one days' permanent duty. Very properly, one of the first military acts of the worthy Colonel and his officers was to fix their head-quarters at the house of Mr. Thomas Jowsey, George Inn, (now the George Hotel), 29, High Street (bottom of that the banks of the Town Moor were crowded with women dressed in red cloaks, the fashion of the day, and that Jones mistook the women for soldiers, which prevented him from attempting a landing. It is also said that a beacon consisting of a great number of empty

Grey Street), in front of which, at the hour for mess, the drums and fifes of the Volunteers played that well-known air "The Roast Beef of Old England." They also fixed a line of sentinels along the sea coast within a short distance of the town. Amongst the posts guarded by the Volunteer sentinels was Paul Jones's battery, at which lonely place it fell to the lot of Joshua Dunn, by trade a cooper, a private in Captain Christopher Bramwell, senior's, company, on a fine still bright moon-light night to be posted. Whether, to wile away the time he had been

"——— crooning o'er some auld Scots sonnet ;"

and ever and anon

"——— glow'ring round wi' prudent cares,

Lest boggles catch him unawares ;"

we cannot pretend to say, but certainly that time

"——— was drawing nigh,"

when

"——— ghaists and houlets nightly cry ;"

when his attention was attracted by a rustling noise amongst some rough reedy grass that grew near. Joshua gazed upon the place from whence the noise proceeded, until a large black cat made its appearance which the courageous volunteer fancied was the devil! Dunn, who would not have turned his back to any natural enemies of his country, was appalled at the appearance of that which he thought was the enemy of mankind. Terror stricken, he threw down his musket, and in haste ran to

tar barrels was lighted upon the summit of Bildon Hill alarming the whole neighbourhood. Jones was created a chevalier by Louis XVI. of France, and died without issue. A considerable sum of money due to him, was in 1852 divided by the American Government amongst his relations, who are numerous at and near Dumfries.

the town under the delusion of his imagination. When reason returned, he was convinced that he had been frightened from his post, not by the prince of darkness, but by a black cat! For many years after this occurrence, the inhabitants of Sunderland cracked their jokes upon it at the expense of poor Dunn, who died in 1850, when upwards of 80 years of age.

Another walled battery, mounting six twenty-four pounders, was erected about 1783, upon the Coney Warren on the east side of the barracks. This battery was partly washed away by the sea on its southern and eastern sides, and the remainder entirely removed by the Dock Company in 1848.

About seventy yards to the south-east of the last-named battery, was an open platform with two twenty-four pounders mounted upon it, named the Flag Staff battery, from the Flag Staff or Beacon in its locality. The site of this battery, which also occupied a part of the Coney Warren, was swept away by the sea about 1808.

Upon the waste at the extreme south end of the Town Moor, adjoining the road leading to the Dock, on the south side of the "White Wall" a platform was erected about 1783, upon which stood two cannons, twenty-four pounders. The site of this platform was many years ago swallowed up by the sea.

These batteries were all within the parish of Sunderland. To complete the line of defence there were other two little fortifications on the south side of the river Wear, but within the township of Bishopwearmouth. For the sake of continuity we think it advisable to describe them here.

Upon the sea bank a little to the south of Hendon Bath Hotel a platform was erected in 1803, during the wars of the French revolution, upon which two heavy pieces of cannon were placed having the words "Hendon Bay" painted in conspicuous letters upon their carriages. And upon the adjoining Blue House estate, (then the property of James Jackson, Esq., of Eppleton Hall, of the firm of Messrs. Goodchilds, Jacksons, and Company, bankers, Sunderland,) a little to the southward, was another open platform, mounting two twenty-four pounders. Old Neptune undermined, stormed, and utterly annihilated these fortresses long ago.

Early in 1857, the Mayor and Town Clerk of Sunderland were in London, on business relating to the borough, when they made application to Lord Panmure, the Secretary-at-War, for two Russian guns captured at Sebastopol, to be placed in the public park at Bilton Hill. Lord Panmure having acceded to the request, the Town Council of Sunderland approved of the act of the Mayor and Town Clerk, and ordered the guns to be brought from the Royal Arsenal at Woolwich to Sunderland with as little delay as possible. This order of the Council was heartily responded to by all her Majesty's loyal subjects and lovers of their country in this important borough; and on the 5th of May, a London trader, the "Linton," with the guns on board, came alongside of Holmes' Wharf, when the following requisition from the inhabitants, professing all shades of politics, was got up and presented to the Mayor, George Smith Ranson, Esq., who immediately took steps to secure the object proposed, by publicly expressing his desire that his fellow-townsmen should so honour the occasion.

TO THE RIGHT WORSHIPFUL

THE MAYOR OF THE BOROUGH OF SUNDERLAND.

WE, the undersigned, being inhabitants of this Borough, duly appreciating the step you have taken in procuring, through Lord Panmure (the Secretary-at-War), TWO RUSSIAN GUNS taken in the Crimea, to be placed in our Public Park, respectfully request you will call a

HALF-HOLIDAY

On the day they are removed from the Wharf to the place at the Park appointed for their reception :

Joseph Simpson.	T. C. Gray.
H. Tanner.	C. G. Lamotte.
Ra. Carr.	St. John Crookes.
Anthony John Moore.	Wm. Barber.
W. S. Burn.	Martin Greener.
Joseph Brown.	Bligh Peacock.
Nathan Horn.	James Peacock.
John Hay.	Matthew Robson, Jun.
H. R. Webster.	T. E. Ward & Co.
William Stobart.	George Garbutt.
Wm. Hay.	T. and M. Reed.
C. T. Potts.	G. H. & C. Gowland.
John Bell.	John Wilson.
John Taylor.	William Morgan Wake.
W. S. Coulson.	John Cox.
Robert Clay.	Robert French.
George Green & Son.	John Croudace.
George Rochester, Jun.	Matt. B. Robson.
John Thompson.	James Hamilton.
F. Charleton Huntley & Co.	H. A. Bentham.
Thomas Gray.	William Carling.
Geo. Harrison.	Jas. and P. Sharer.
Arthur W. Dixon.	Young and Proud.

Henry John Dixon.
Matthew Francis.
J. P. Appleby.
C. Renner.

William Kirk.
Joseph Middleton Penman.
John Branfoot.
&c., &c., &c.

In compliance with the above request, I, the undersigned most respectfully desire my fellow townsmen to accede to the wishes expressed in the requisition, and beg leave to inform them that the Two Russian Guns presented to the town of Sunderland, will be placed in the position where they are intended to remain in the Public Park,

ON MONDAY, THE 11TH DAY OF MAY, 1857,

At half past One o'Clock in the Afternoon.

GEORGE SMITH RANSON,

MAYOR.

Mayor's Chamber, Sunderland, 8th May, 1857.

The half-holiday was well observed by the loyal inhabitants of the borough, and at the appointed hour the guns mounted on carriages, manufactured at the iron-works of Mr. Ald. Stainton, South Shields, at the expense of the Mayor, each drawn by six horses, reached the summit of the Park when a royal salute was fired from two small pieces of cannon; after which, Mr. De Lacy's band played the national anthem. Suitable addresses were delivered by the Mayor and Mr. Alderman Allison, the chairman of the public grounds committee, enthusiastic cheers were given for the Queen, the Mayor, Henry Fenwick, Esq., M.P., and Mr. Alderman Allison; and the assembled thousands dispersed. The following is the inscription on the stone pedestals on which the guns are placed.

RUSSIAN GUN

TAKEN AT

SEBASTOPOL,

9th SEPTEMBER, 1855,

PRESENTED BY

LORD PANMURE,

Secretary-at-War,

TO THE

BOROUGH OF SUNDERLAND,

Placed here 11th May, 1857.

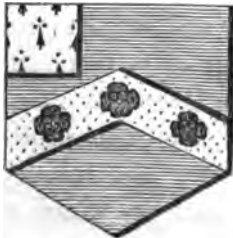
GEORGE SMITH RANSON, ESQ.,

Mayor.

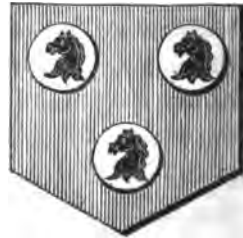
WILLIAM SNOWBALL, ESQ.,

Comm-Clerk.

RANSON.



SNOWBALL.



On Forster's Survey of Sunderland Moor in 1742, Lowther's Hall is mentioned. It stood on the Moor edge a little to the north east of the "Spaw Well," and was carried away by the sea before the memory of any one living. It was a licensed public house, kept by a person generally known as "Lady Lowther." Local tradition speaks rather unfavourably of the house, its mistress, her inmates and associates. Lowther's Dene, as its name implies, was a small ravine or dene near the Hall, leading down to the sea beach, full of whins and brushwood, intersected by many rustic footpaths, the favourite resort of children and young people

"In somer when the shaws be shene,
And leves be large and long."

Of the dene not a "rack" is left behind, although our informant, Mr. Samuel Clark, shoemaker, of Robinson's Lane, can recollect some faint traces of it, from the fact of his having when a boy "harried" a hedge sparrow's nest of three eggs therein. To the north of Lowther's dene was another small gulley also leading to the sea beach, at one place 25 feet 8 inches in breadth, across which spot, and for a trifling wager, a private soldier in the 40th Regiment of foot then quartered in Sunderland barracks, easily leaped, in the month of August, 1828.

Sunderland has given the title of earl to two noble families. Emanuel Lord Scrope of Bolton, who, having been first made president of the king's council in the north by James I., February 6, 1618, was, by his son, Charles I., created Earl of Sunderland, June 19, 1627, but he dying without any lawful* issue, the same monarch,

* But this Scrope Earl of Sunderland had four natural daughters, who had the king's patent to take place as Earl's legitimate children,

June 8, 1643, conferred the title in respect for his approved loyalty and adherence to him in the civil wars, on Henry Lord Spencer of Wormleighton, who, however, enjoyed the honour a very short time, being slain in the royal service the same year at the first battle of Newbury, leaving issue by Dorothy his wife (better known as the Sacharissa of Waller), daughter of Robert Sidney Earl of Leicester, two daughters—Dorothy, married to George Savil, of Thornhill, afterwards Viscount and Marquis of Halifax ; and Penelope, who died unmarried,—and only one son Robert, the second of the Spencer family bearing that title, but in reality the third Earl of Sunderland.

This nobleman was born in 1640 ; his early education was carefully conducted, and before entering into public life, he enjoyed the advantage of several years of foreign travel. On his return to England he was appointed ambassador-extraordinary to the court of Madrid in 1671, and, in the autumn of the following year, went to Paris in the same character. In 1673 he was one of the plenipotentiaries for the treaty of Cologne, and, on the 27th May, 1674, was sworn of the privy-council.

He held no specific appointment during the next four years ; but, in July, 1678, he was again sent ambassador-extraordinary to Louis XIV., and, it is supposed by some, was intrusted with the arrangement of those infamous pecuniary transactions into which Charles secretly entered at this time with the French monarch. Whatever the and (notwithstanding this was in a late instance represented by ignorant persons as an unprecedented thing) from these four ladies are lineally descended a great part of our present nobility of the very first rank, for the eldest daughter marrying the Duke of Bolton, was grandmother to the present Duke of Bolton, and Scrope, Duke of Bridgewater, and consequently great-grandmother to the Dutchesa

nature of his mission was, he acquitted himself in it to the satisfaction of his royal master, and, on his return, in the succeeding year, was appointed principal secretary of state in the room of Sir Joseph Williamson. Rapin says that the Earl of Sunderland gave Williamson £6,525 to induce him to resign. He now coalesced with the Duke of Monmouth and the Dutchess of Portsmouth, in their endeavours to oust Danby, and place Essex at the head of the treasury. They succeeded in their scheme, and also got Shaftesbury appointed president of the newly modelled privy-council.

Essex, Halifax, Sunderland, Shaftesbury, and Temple, now formed the king's especial cabinet; but the bill of exclusion dissolved this junto. Sunderland voted for it not only "against his master's mind, but his express command," and the king indignantly dismissed him from his secretaryship. He contrived, however, to get restored to his post in January, 1682; and, notwithstanding his former vote, and the repeated efforts which he was known to have made to thwart the wishes of the Duke of York, and prejudice his interests generally with the nation, yet on the accession of the new king, James II., he was not only retained in office, but rose high in favour at the very moment that his fall and disgrace were considered inevitable. In accomplishing his ambitious views, the Earl had in fact sacrificed his conscience by a formal abjuration of the protestant faith, under circumstances which Dowager of Bedford; another, the Lady Arabella Scrope, marrying Mr. Howe, was great-grandmother to the Dutchess of Norfolk, the first Dutchess of England, John Lord Chedworth, Scrope Lord Viscount Howe, Charles Earl of Tankerville, Mary Countess Dowager of Pembroke, and many others; another of the ladies married the Earl of Rivers.—*Simpson's Agreeable Historian*, 1746.

left almost no doubt as to the unworthiness of his motives. It has been alleged that Sunderland was pensioned both by the prince of Orange and the king of France, in 1686, and that the fact was well known to James himself. There is not sufficient evidence to support this allegation, for the passage on which it is founded in 'Macpherson's State Papers,' will be found on examination to be not an extract from James's private journal, as it has been represented, but a statement made by the anonymous compiler of James's life on his own authority. Neither is the alleged transaction with Monmouth any better supported. In the same papers there is an account of Ralph Sheldon informing James in the presence of Sunderland himself, that he (Sheldon) was directed by Monmouth to acquaint the king that Lord Sunderland had promised "to meet him," in order to join the insurrection. The anecdote, besides being extremely improbable in itself, rests only on the testimony of the anonymous writer already referred to, and is unsupported by any reference to the king's own memoirs.

In February, 1685, the Earl succeeded Halifax in office of president of the council, while he still retained that of secretary of state. His negotiations with the party of the prince of Orange at last became evident to the whole court, and the catholic party clamoured loudly for his dismissal. Yet, on the arrival of William, Sunderland fled to the continent, and he was specially excepted from the acts of indemnity and free pardon, which the new sovereign promulgated in 1690 and 1692. It is not easy, therefore, to account for the marvellous facility with which the Earl at last replaced himself in the administration of this country. Burnet declares that "he gained

an ascendant over William, and had more credit with him than any Englishman ever had." He was not, indeed, brought forward in any specific office in the state, but he was virtually the prime minister, for the King gave himself up to his advice, until he found that the nation would no longer bear the approach of such a man to the royal ear. He reluctantly yielded to the clamour raised against his favourite by all parties, and allowed the Earl to retire into privacy, at his seat in Northamptonshire, where he died 28th September, 1702.

"Lord Sunderland," says Burnet, "was a man of a clear and a ready apprehension, and a quick decision in business. He had too much heat," he adds, both of imagination and passion, and was apt to speak very freely both of persons and things. His own notions were always good, but he was a man of great expense, and, in order to the supporting of himself, he went into the prevailing counsels at court; and he changed sides often, with little regard either to religion or to the interests of his country."

His lordship married the Lady Anne Digby, second daughter of George Earl of Bristol, by whom he had issue two sons,—Robert, Lord Spencer, who died in France unmarried, and Charles, his successor,—and two daughters,—Lady Anne, who married the Right Hon. James Earl of Arran (afterwards Duke of Hamilton), and Elizabeth, married to the Earl of Clincarty, who died at Copenhagen.*

He was succeeded by his only surviving son and heir Charles Spencer, fourth Earl of Sunderland. This nobleman was born in 1674. He entered into public life at an early age, being returned member for Tiverton in

* "Peerage of England," 1710.

1695. He continued to represent that borough until he was called to the house of peers, on the death of his father in 1702. In 1705, he was diplomatically employed at the courts of Berlin, Vienna, and Hanover. In April, 1706, he was nominated one of the commissioners to treat for a union with Scotland; and at the latter end of the year, he was not only made a privy-councillor, but, according to Archdeacon Coxe, the whig-leaders perceiving that the Queen favoured the tories, he was forced by them into the office of secretary of state.

In 1709-10, on account of the conduct of Sunderland, with regard to Sacheverell and his supporters, the whole influence of the high church party was exercised to procure his dismissal from office. The Duke of Marlborough, on the other hand, wrote very warmly to the Queen in his favour; and the haughty dutchess 'begged on her knees' that the Queen would not compel him to retire; with this request, although very powerfully seconded by a number of influential noblemen, her Majesty refused to comply, and Sunderland was almost immediately commanded to deliver up his seals. To soften the harshness of her conduct towards the Earl, Queen Anne offered him a pension of £3,000 per annum for life; which, however he indignantly rejected; observing that "He was glad her Majesty was satisfied he had done his duty; but if he could not have the honour to serve his country, he would not plunder it."

On the death of Queen Anne, the Earl of Sunderland, who was accounted the great leader of the whigs, expected, in return for the zeal he had displayed in behalf of the house of Hanover, to be placed at the head of the new administration. But, although the King treated him with

great attention, and several places of dignity were conferred on him, some years elapsed before he could attain the exalted station to which he aspired. Shortly after George I. arrived in the country, the Earl was sworn a privy-councillor, and appointed lord lieutenant of Ireland. In 1715, ill health having compelled him to resign his vice-regal office, he was constituted lord-privy seal ; and in July 1716, he became vice-treasurer of Ireland, having previously enjoyed that office jointly with Lord Rochester, from the month of February in the same year. In September he went to Hanover with the King, with whom his influence now rapidly increased. In April, 1717, he achieved a political victory over Walpole and Townshend, on whose resignation he was appointed, in the first place, chief secretary of state, shortly afterwards lord president of the council, and finally first lord of the treasury.

At this period, Sunderland, in whose person the whole power of government seemed to be united, brought forward the celebrated peerage bill, by the passing of which he hoped to check the authority of the Prince of Wales, —whom the earl had offended beyond the possibility of forgiveness,—when his Royal Highness should become king ; and to extend the duration of his own authority by the elevation of a number of adherents to the House of Lords. This unpopular bill was passed by the peers, but rejected by the commons, principally through the exertions of Walpole.

In 1718-19 he resigned the presidency of the council, but was on the same day appointed groom of the stole and first gentleman of the bed-chamber. In May, 1719, he was nominated one of the lords-justices, to whom the government was entrusted during the king's visit to

Hanover. Walpole and Townshend had, by this time, become so formidable to the Earl that he deemed it expedient to divide his power, and partially coalesce with them. About the end of October in this year, 1719, he went to Hanover, in the following month he was elected a knight of the garter; in June, 1720, he was again nominated a member of the regency during the King's absence in Hanover; and in September he repeated his visit to the electorate.

The year 1721 was rendered remarkable by the celebrated South Sea bubble, the bursting of which proved fatal to the political supremacy of the Earl of Sunderland. Notwithstanding his exalted station—for he was still first minister of the crown—he was strongly suspected of having taken a guilty part in that nefarious scheme; and a parliamentary inquiry, as to his alleged mal-practices, took place; which, however, owing to the zeal and talent with which he was defended by Walpole, terminated in his acquittal; but the public were so fully convinced of his guilt, that he found it necessary to resign all his employments. This event was followed by the re-establishment of Townshend and Walpole; “yet it was not without great difficulty,” says Coxe, “that Sunderland, who maintained the most unbounded influence over the Sovereign, had been induced, or rather compelled, to consent to the arrangement for a new ministry, and particularly to relinquish the disposal of the secret service money.”

His conduct at this period was involved in suspicious mystery. He intrigued with the Tories, although he did not dare openly to avow any connexion with them. He made overtures to Bishop Atterbury, and his health was frequently drunk by the Jacobites. He continued, on

many occasions, successfully to use his influence over the King,—fomented divisions in the cabinet,—and carried several measures in direct opposition to its chiefs. “Walpole’s merit,” says Coxe, “in screening the Earl of Sunderland from the rage of the House of Commons, could not expiate the crime of superseding him at the head of the treasury. Sunderland, jealous of his growing power, resolved, if possible, to obtain his dismissal. Under the semblance of favour, he requested the king to create him postmaster-general for life,—a lucrative office, which, if he had received, would have incapacitated him for a seat in Parliament; and, if he refused, would subject him to the resentment of his sovereign. Contrary, however, to his expectations, the King inquired if Walpole had desired it, or was acquainted with it. Sunderland replied in the negative. ‘Then,’ returned the King, ‘do not make him the offer: I parted with him once against my inclination, and I will never part with him again as long as he is willing to serve me.’ Soon afterwards, on the 19th of April, 1722, death terminated the Earl’s machinations against his rival.

The Earl of Sunderland was thrice married; first on the 12th January, 1694-5, to Lady Arabella, youngest daughter of the Duke of Newcastle, by whom he had a daughter, and who died, June 4, 1698,—next in January, 1700, to Anne*, the second daughter of the ever-memor-

* It is remarkable (says the Rev. Mark Noble), that Lady Sunderland was the daughter of a duke, the sister of a duchess in her own right, and mother to a duke, yet never attained herself to a higher rank than that of a countess. Her ladyship, who was rather *petite* in person, did not disdain the appellation of the “Little Whig,” which that party, not less to honour themselves than her, chose to

able Duke of Marlborough, by whom he had four sons, and two daughters, and who died, April 15, 1716,—and, lastly, on the 5th December, 1717, to Miss Judith Tichborne, a lady of fortune, and of an ancient Irish family, by whom he had three children, and who survived him many years.

His spirit was daring, and his intellect unquestionably great. Of patriotism or probity, he appears to have had but a very moderate share. Personal aggrandizement was the one great object of his life. He was at all times willing to abandon the principles he had last professed, to be a whig, a tory, or downright Jacobite,—to sacrifice a friend, or coalesce with an enemy, for the purpose of advancing or securing his own political power.*

The honour still remains in his descendants, and is the third title of the now Duke of Marlborough, Marquis of Blandford, and Earl of Sunderland, in the British peerage, who is descended from Anne Countess of Sunderland, one of the daughters of John Churchill, the great Duke of Marlborough, and mother of Charles the second duke.

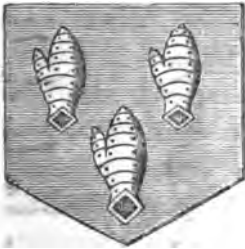
John Winston Spencer Churchill, the eldest son of the present duke, is by courtesy styled Marquis of Blandford; he is M.P. for the borough of Woodstock,

distinguish her by, at a time when everything was governed by, and bore the ensigns of, party, of one kind or other; and Colley Cibber tells us that the foundation stone of Sir John Vanburgh's new and stately theatre in the Haymarket, and which, without lasting out the century even, was a few years past burnt to the ground, had that title engraved upon it—a matter of wonder and deep investigation for the antiquaries of, we sincerely hope, a very distant period.—*Noble's Continuation of Granger's Biographical History of England*, ii., 373.

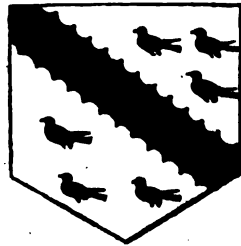
* “Cunningham's Lives of Illustrious Englishmen.”

and married Lady Frances Vane, eldest daughter of the late Most Honourable Charles William Vane, Marquis of Londonderry, and Viscount Castlereagh in the Peerage of Ireland; Earl Vane, Viscount Seaham, and Baron Stewart, in the Peerage of the United Kingdom, K.G., Lord Lieutenant of the County Palatine of Durham, and of the County of Down, a general in the army, colonel of the second regiment of Horse-guards, &c., &c. and the Most Honourable Frances Anne Vane Tempest, Marchioness of Londonderry, only daughter and heiress of Sir Henry Vane Tempest, Bart., of Wynyard Park, M.P. for the county of Durham, and the Right Honourable the Countess of Antrim in her own right. George Churchill, the eldest son of the Marquis and Marchioness of Blandford, assumes by courtesy his grandfather, the Duke of Marlborough's third title of Earl of Sunderland.

VANE.



TEMPEST.



CHAPTER III.**ORIGIN AND PRESENT STATE OF COPYHOLD OR CUSTOMARY PROPERTY, THE HALMOTE COURT, AND COURT BARON OF SUNDERLAND, ETC., ETC.**

The possession of England by the aborigines, or ancient Britons, its conquest and abandonment by the Romans, and its subsequent conquest by the Saxons, and the division of it into seven kingdoms, are all matters of general history ; in this work it is sufficient that the county of Durham, with Sunderland, was part of the powerful Saxon kingdom of Northumberland. The civil polity of the Anglo-Saxons is a subject of curious enquiry ; but it is involved in the intervening gloom of eight centuries. All the primary germs in the feudal system may be discovered amongst the Saxons. From the earliest intimation of history, it appears that every Gothic chief was surrounded by a number of retainers, who did him honour in the time of peace, and accompanied him in war. The lord and his vassal were reciprocally bound together by a sacred principle, which often gave rise to actions of the most romantic and generous kind. The conquerors of the Saxons divided the lands of the natives into parcels, denominated hides or sowlings. The king kept the largest portion, and the remainder was divided amongst the chieftains, his immediate vassals, who subdivided it into shares amongst their humble followers.

The Thanets,* so called from thegnian, to serve, were

* "From the Rev. Dr. Lingard's History of England."

a numerous and distinguished order of men, divided into several classes of different ranks, and with different privileges. We read of greater and lesser thanes, of the thanes of the king, and the thanes of eldersmen and prelates. The heriot of the higher was fourfold that of the lower thane; and while the former acknowledged no other superior than the king, the latter owed suit to the court of his immediate lord. It is certain that they held their lands by the honourable tenure of service about the person of their lord, or in the field. Militaries is the term by which they are usually designated by the Norman writers, and every expression in Bede, denoting a military character, is invariably rendered thane, by his royal translator.

The law required one combatant from every five hides of land; and the acquisition of property to the same extent was sufficient to raise the ceorl to the rank of the thane; but without it, though he might accompany the king to the field, though he should possess a helmet, a coat of mail, and a golden-hilted sword, he was still condemned to remain in the subordinate and humble condition of a ceorl. A political exception was made in favour of the merchants, who were accustomed to form companies or guilds, and possessed their lands in common. To sail twice to a foreign land with a cargo of his own wares, entitled the merchant to the rank and privileges of the thaneship.* Of these privileges the most valuable was the amount of the were.†

* These regulations have been attributed to Athelstan, but they have also been described as the ancient customs of the nation. It is to them that we are to attribute the title of barons, given to the merchants of London and the Cinque Ports.—*Lingard*.

† Homicide and theft were the common crimes of the Anglo-

The Gerefas (Greeves) or Reeves, were officers of high importance, appointed by the king and the great proprietors in their respective demesnes. They were to be found in every separate jurisdiction; but the principal were the reeves of the shires, ports, and boroughs. It was their duty to collect the tolls, to apprehend malefactors, to require sureties, to receive the rents, and occasionally to act in the place of their lords. They were assessors, sometimes the chief judges in different courts, and were commanded under a severe penalty to regulate their decisions by the directions of the doom-book.

The foregoing were the *ethel* or *dear born*, the *unethel*, the tradesmen, mechanics, husbandmen, and labourers, were comprehended under the generic denomination of *ceorls*. Of these there were two classes. The superior class consisted of *socmen* or free *ceorls*, who held lands by conventional services, or chose their own lords, or possessed the right of disposing of their real estates by sale, or will, or donation. The others were attached to the soil, as part and parcel of the manor, transferable with it from one lord to another, bound to give their personal labour in return for the land which they cultivated for their own use, and liable to be punished as runaways if they withdrew out of the manorial jurisdiction under which they were born.*

Saxons. The commission of homicide was atoned for by a pecuniary compensation. The *were*, or legal value of lives advanced in proportion to the rank of the person murdered. Hence, all above the rank of a *ceorl*, were called *ethel*, or *dear born*.

* In the Boldon Book may be seen innumerable instances of the difference between the rent and services of the two classes. Both paid partly in kind, partly in money, and partly in labour; but the

They had, indeed, certain rights recognized by the law, and could not in many places be dispossessed, as long as they performed their customary services; but then these services were often uncertain in amount, depending on the will of the lord. He could tallage or tax

free tenant worked only a fixed number of days for the lord in seed time, and during the harvest; the other worked in addition, three days in the week during the whole year, with the exception of a fortnight at Christmas, and a week at the festivals of Easter and Whitsuntide. The services of mechanics were regulated in the same manner.—*Lingard*.

Boldon Buke derives its name from the village of Boldon, near Sunderland, in the county of Durham. The services and returns of many of the Bishop's manors were the same, and the compilers after enumerating these services under Boldon, when the same occurred elsewhere, during the progress of the Inquisition, were satisfied to describe them as the same with those of Boldon. The name of Boldon, therefore, repeatedly occurring, the record itself became popularly spoken of as the Buke of Boldon.

The survey was compiled, as we are told in its opening paragraph, at the feast of St. Cuthbert, in Lent, in the year 1183, by order of Hugh Pudsey, then Bishop of Durham, one of the most magnificent and powerful prelates who at any time occupied the episcopal chair. The same paragraph gives us a concise account of the document; it is a description of the revenues of the Bishoprick, and an enumeration of the settled rents and customs renderable to the Bishop, as they stood fixed at the time of its compilation.

Boldon Buke may be called the Domesday of the Palatinate. It is impossible to overrate its importance to the historical enquirer, whether he be interested in the nature of early tenures, the descent of property, or the social condition of the tenants, in whatever rank, of that day. No one can go carefully through the record without attaining a considerable insight into the state of the country and its inhabitants, as far as the Palatinate is concerned, at the end of the twelfth century. Many parts of the relations between the lord and his tenants

them at discretion ; he exacted from them the merchets or gersume, a fine for the marriage of their daughters and sisters ; and did not permit them to sell their cattle out of the manor, until they had purchased the permission in his Court.

In the northern counties of England we meet with a are very clearly laid down, and we find frequent indications of the rise of the peasant class into a higher order of proprietors.

The Record throws great light on the nature of the services which the different tenants rendered to the lord, and we may gain from it a very just idea of what the life of the villan was, for we can with no great difficulty accompany him in his work, through each week of the year. There is one striking omission in the Survey, and that is, the little notice we find of free tenants ; in some manors we have no mention of them at all ; and throughout the Record, their name is of rare occurrence. Perhaps the nature of the document would lead us to expect this omission, for it is not so much an enumeration of all the holders of land under the See, as of the services and customs due from the land ; now as free tenure rendered nothing of that kind, it does not come into consideration in such a record as Boldon Buke professes to be,

The original manuscript of Boldon Buke is not preserved. Four copies are known to exist, the earliest of which (now in the library of Lord Ashburnham) was probably made about one hundred years after the compilation of the Survey. Another manuscript is preserved in the Auditors' Office in the Exchequer at Durham, appended to a survey made in the time of Bishop Hatfield, and transcribed apparently just after his death, in 1381. [The Rev. William Greenwell adopted this copy as the text in his excellent edition of the "Boldon Buke" published by the Surtees Society in 1852.] There is a copy in the Registrum Primum of the Dean and Chapter of Durham, written about the year 1400, or perhaps a little later ; the fourth and last manuscript is clearly a transcript of the Chapter copy, and was once in the possession of Bishop Tunstall, and is now preserved in the Bodleian. Sir Henry Ellis printed from this in the Appendix to Domesday, in 1816.

class of land-holders called drenghs.* The dreng, who may be called a half-freeman, was the lowest holder who had a permanent interest in the land, and his position was mid-way between the free tenant and the villan. His services were in some respects the same as those of the villan, as we learn from Boldon Buke, he ploughed, harrowed, and sowed a certain proportion of the demesne land of the Bishop, made precatons, carted wine, kept a dog and a horse for the Bishop's use, attended the great chase with dogs and ropes, and went on messages. The agricultural services he rendered were neither so many in number nor for so long a time as those rendered by the villans, and he differed in this also, that himself and his own household were always exempt from performing them, the villans only attached to him and holding under him being liable. His tenure was a very inferior one to military or free tenure, from having these menial services attached to it, but was far superior to villenage from his being a permanent tenant, and from being himself free from servile work. This tenure seems to have been confined to the ancient kingdom of Northumbria. In Domesday drenghs occur in that part of modern Lancashire, called then 'terra inter Ripam et Mersham,' which formed a part of ancient Northumbria: they occur also in York-

Boldon Buke has been produced and admitted as evidence in several trials at law, on the part of succeeding bishop's, to ascertain their property.—*Preface to Greenwell's Translation of the Boldon Buke. Hutchinson's Durham.*

* Dreng, Dreng, Drengus, Dreinnus, Dringagium. From Anglo-Saxon *Dreogan*, to do, work, bear, the root of our English word *drudge*. The cabin-boy on board a Norwegian vessel is now called the *cabin-dreng*.—*Greenwell.*

shire and in the four northern counties. In Bishop Flambard's time [1099-1128], all the permanent land-holders in Norhamshire and Islandshire would seem to have held in drengage. In a charter in the vernacular tongue by him relating to Allerden in North Durham, he says 'R. Biscop greteth well all his thanes and drenghs of Ealandscire and Norhamscire.' Here we have no mention of military or free tenants, for the 'thane' was only a dreng who held more than one manor in drengage, as is evident from returns in the 'Testa de Nevill,' which describe the two tenures as identical in services, and differing only in this, that the one implied the holding of one estate, the other, the holding of more than one, so that if a dreng became the holder of more estates than one, he became dignified with the name of thane. The drenghs in Northumberland paid a fixed money rent, and were subject to tallage, heriot,* and merchet. We have an instance in the Pipe Rolls of Westmoreland 25 Henry II. of the enfranchisement of one dreng, some had been enfranchised before by Hugh de Morvill when he held the honor, and we find 18 drenghs who remained paying a fine that they might be exempt from foreign service. These particu-

* *Heriot*. Originally the old German 'heergewate', military equipment, and consisted of the arms of a vassal, which were given up on his death by the heir to the lord. Ultimately it extended to the best chattel of a vassal, either a beast, an article of dress, or a piece of plate, which was given to the lord on a tenant's death. It was always a personal chattel, and no charge on the land. Like other returns, it became in time commuted for a money-payment. Heriots have often been confounded with reliefs, but the difference between the two is clear: a heriot was for the tenant who died, and was out of his goods, a relief was for the tenant who succeeded, and was out of his purse.—*Appendix to Greenwell's Translation of the Boldon Buke.*

lars show that drengage was not a free tenure, for we see here instances of drenghs being enfranchised, and Boldon Buke, and the Northumberland records, give the services attached to it, which approach nearer to villenage than to free service.*

The villan† formed that large class, including under this general name cotmen, bond-tenants, and farmers, the members of which, though not slaves, and holding under the lord some small portion of land, had neither a permanent interest in the land, nor could be called freemen. They have been divided into villans regardant, those attached to the land, and villans in gross, those attached to the lord's person, and transferable by him to another. No real distinction, however, seems to

* "Appendix to Greenwell's Translation of the Boldon Buke."

† *Villan*. Probably from villa, the vill, village, town, or hamlet in which the villan lived. The villa appears to have borne much resemblance to the village of a German tribe. The house of each villan, cottar, or farmer, was situated in a toft with one or more crofts adjoining, the houses being in this way separated from each other. Many of our villages still show the old form, each cottage standing apart in its garden, and backed by a small close, the croft. In some villages there was also the demesne house (*aula*) of the lord, and the dwelling of one or more free tenants, perhaps not much superior in convenience and accommodation to the cottage of the servile holder. Attached to the village, with its enclosed parcels of ground, was the common field where each tenant held his own portion of acres of arable land under the name of oxgangs, and beyond that was the pasture where the cattle fed in common, under the charge of the village herd; in some cases there was also the lord's waste or forest, in which his tenants had various rights of pasturage, swine-feeding, and of cutting turf and firewood. At the period when Boldon Buke was compiled, the aspect of the country must have differed widely from its present one. In the midst of moorland or extensive woods, there

have existed, and this division probably originated from confounding the villan with the serf, who was a mere personal slave, and had no interest, even of a temporary nature, in the land. The villan could not leave his lord's estate, nor indeed give up the land he held under him, he was a servant for life, receiving as wages enough of land to support himself and family. If he left his lord, he could be recovered as a stray, unless he had lived meanwhile for a year and a day in a privileged town or borough, in which case he obtained his freedom. He could accumulate no property, everything he possessed being his lord's. His services consisted in servile work done by himself and his household on the lord's demesne land, such as ploughing, harrowing, mowing, and reaping, carting dung, and all other agricultural operations; these could be changed at any time by the lord, though they naturally had a tendency to become of a permanent and settled character, and in the end became quite regular and stated in quantity and time. We see indications of this in Boldon Buke; in fact, every entry there relating to the villan shows a settled system of

was every here and there the large open pasture and cultivated field of each village, without hedge or any division save a strip of grass, called now in East Yorkshire a balk, which bordered each tenant's holding, and by the side of the stream or where the best land lay, snugly ensconced each in their little fields with their hedge-row trees, rose the cottages of the humble tillers of the soil, clustering round and sheltered by the hall of their lord. Each village had its herds for looking after the stock of whatever kind, its pounder for taking care of stray cattle, and its smith and carpenter. All the people were the servants of the lord, and in return for the work they rendered him, they had each his little holding which provided for the daily wants of the family.—*Append. to Greenwell's Translation of the Boldon Buke.*

services, such as we should look for under the circumstances. In Darlington, we have a notice of a new as well as an old holding in villenage* ; probably the Bishop had granted out of his demesne land, or from the waste an additional quantity of land to which he attached a different kind or degree of service from that attached to the old villenage land, this again shows a tendency to a more stable system. The villan could not marry his daughter without the lord's leave, and in many cases was obliged to pay a certain sum for this liberty : this payment was called "merchet."† All the children of villans inherited their father's condition, and were, like

* In Darlington are 48 oxgangs, which as well of the old villenage as of the new, the villans hold, and render for each one oxgang 5s., and they ought to mow the whole of the Bishop's meadow, and make the Bishop's hay and lead it, and once to have a corrody, and to enclose the copse and the court, and to make the works which they were accustomed to make at the mills, and for each one bovate one cartload of woodlades ; and to make cartloads on the Bishop's journeys ; and also three cartloads in the year to cart wine and herrings and salt.—*Boldon Buke.*

† *Merchet*, in the ancient British, Gwarb Merched or maid's fee is a composition of ten shillings paid by the tenant, on the marriage of his daughter, to the lord, on condition of the latter waiving his claim to sleep the first night with the bride. The custom, with certain modifications, is observed in some parts of England and Scotland, and in the manor of Dynevor, in the county of Caermarthen, where the "fee" is still exacted by Lord Dynevor.—*Cabinet Lawyer.* Greenwell thus alludes to the custom :—*Merchet*, a payment incident to tenures in villenage. Writers have been led into long and not very satisfactory disquisitions as to the meaning of *merchet*. The popular notion has been that it was a payment made by the vassal to his lord, to preserve his daughter on the first night of her marriage, from being deflowered by him. The only authority on which this rests is a ridiculous story by Boece, of its establishment by a King of Scotland.

him, villans too. If a free man married a female villan, or neife, as she was called, the children were free ; but if a free woman married a villan the children were villans, in this contrary to the maxim of the civil law, that "*partus sequitur ventrem*." No bastard could, however, be born a villan, for the law held that being "*filius nullius*," and, as such, unable to have any inheritance, he should at all events gain his natural freedom by it. Holding by villenage tenure does not always imply that the holder was a villan : a freeman might hold land in villenage, in which case he rendered the services due upon the land, but remained personally free. The villan, in course of time, became the copyholder of later days, so that, as Coke expresses it, copyhold, though of mean descent, is of a very ancient house. The villan, indeed, could acquire no property in goods or land, for, being himself the property of the lord, all that he acquired was the lord's. But, being allowed to hold land, himself and his children, for many years without interruption, the common law gave him the title to hold his land on rendering the accustomed services, or on payment of the money for which those services had been commuted.

called Evenus; in this he was followed by Skene, Spelman, and Duncange. Lord Hailes has very clearly shown the absurdity of this notion, and has pointed out the origin and true meaning of the term. The word seems to have been used in two senses, 1. A fine by a villan to his lord when his unmarried daughter had been debauched. 2. And this its usual signification, a payment made by a villan to his lord for liberty to give his daughter in marriage. As the lord had, for a certain portion of the year, the right to his villan's service in agricultural works, together with that of his household, if a villan's daughter married, it was so much service lost to the lord, and he had, therefore, a remuneration in money, and this was called

This title they possessed only by custom, as shown in the rolls of the lord's court, and from this manner of holding by copy of court roll, they became ultimately in name and effect copyholders. From Boldon Buke we learn that, in the Palatinate, the quantity of land which they held varied from sixteen to thirty-five acres, with a house attached. Their services were onerous, about half the year being given up to working for the Bishop on his demesne land; the villan of Boldon, for instance, held thirty acres, and for this he worked 144 days in the year for the lord, besides some extra work in ploughing, harrowing, and reaping; he also paid in money 3s. 10d., and gave two hens and twenty eggs: this, or something not very different, seems to have been the amount of services rendered throughout the county by the villan. The other classes of cottars, bond-tenants, &c., rendered much in the same way, differing only in the quantity of land they held, and in the amount of work they rendered. The work itself was of the same servile nature.*

"merchet," perhaps, from a northern word "merg," "merch," "march," which signified a daughter or young woman, and "sceat," a payment. Mon. Angl. vol. iii. p. 318. 'Et omnes tenentes de Tynmuth solvent "merchet" pro filiabus suis maritandis.' Bracton. lib. 4, trac. 1, cap. 28, § 5. 'Qui tenet in villenagio talliari potest ad voluntatem domini . . . item dare "merchetam" ad filiam maritandam.* The following extract, relating to Wivenho, goes far to prove the view above stated, 40 Ed. III., 'R. Burre . . . debet . . . "merchet," hoc modo, quod si maritare voluerit filiam suam cum quodam libero homine extra villam, faciet pacem domini pro maritagio, et si eam maritaverit alicui costumario villæ, nihil dabit pro maritagio.' In the latter case nothing was paid, since, the daughter not marrying out of the manor, her services were not lost to the lord.—*Appendix to*

* "Appendix to Greenwell's Translation of the Boldon Buke."

Traces of all these customs may be found in the remains of the Anglo-Saxon antiquity; and their previous existence is proved by the decisions of the courts of law during the Norman period, when exceptions from these servile burthens were admitted as uncontrovertible evidence of free tenancy.*

Among a people but lately emerged from barbarism, the administration of justice is always rude and simple; and though the absence of legal forms and pleading may casually insure a prompt and equitable decision, it is difficult without their aid to oppose the acts of intrigue or falsehood, or the influence of passion and prejudice. The proceedings before the Anglo-Saxon tribunals would not have suited a more advanced state of civilization; they were ill calculated to elicit truth, or to produce conviction; and in many instances which have been recorded by contemporary writers, our more correct or more artificial notions will be shocked at the credulity or the precipitancy of the judges. The subject, however,

Greenwell's Translation of the Boldon Boks. With all due deference to Lord Hailes (whose learned dissertation extends to more than twenty pages octavo), and Mr. Greenwell, we see no reason to depart from the popular notion; more especially when the fee is still (1857) claimed by, and paid to, the Right Honourable George Talbot Rice Lord Dynevor.

* We meet also with cotsets, coterells, cotmen, or cottagers, who, as their holdings were small, rendered a smaller portion of labour, that is in the Boldon Book, two days in the week from Lammas to Martinmas, and one only during the rest of the year. There were also bordars whose services were few but very servile. Bonds appear to have been the masters of families amongst the second class of ceorls. If a sufficient number of free tenants could not be procured to form a jury, the deficiency was supplied from among the most discreet and lawful bonds.—*Lingard.*

is curious and interesting. These ancient courts still exist under different names ; and the intelligent observer may discover in their proceedings the origin of several institutions which now mark the administration of justice in the English tribunals.

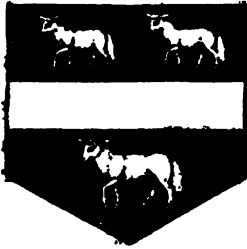
The lowest species of jurisdiction known among the Anglo-Saxons was that of the "Sac and Soc" words, the derivation of which has puzzled the ingenuity of antiquarians, though the meaning is sufficiently understood. It was the privilege of holding pleas and imposing fines within a certain district, and, with a few variations, was perpetuated in the manorial courts of the Norman dynasty. It seems to have been claimed and exercised by all the greater and several of the lesser thanes, but was differently modified by the terms of the original grant, or by immemorial usage. Some took cognizance of all crimes committed within their soke ; the jurisdiction of others was confined to offences of a particular description ; some might summon every delinquent, whether native or stranger, before their tribunal ; while others could inflict punishment on none but their own tenants. From the custom of holding these courts in the hall of the lord, they were usually termed the "hall-mots."

From these manorial courts of the Anglo-Saxons, are derived the present halmote or copyhold courts, for the Ecclesiastical Commissioners' (late the Bishop of Durham's) manors of Houghton, Chester, Easington, Stockton, &c., &c., the Rector of Bishopwearmouth's manor of Wearmouth or the rectory of Bishopwearmouth ; Frances Anne Vane Tempest, Marchioness of Londonderry's manor of Gilligate ; Sir William George Hylton Jolliffe, Bart., M.P. for Petersfield, and Lady Noel Byron's manor

of Chester Deanery; the Duke of Northumberland's manor of Tynemouth; Wentworth Blackett Beaumont, Esq., M.P., manors of Hexham and Anick Grange; the Ecclesiastical Commissioners' Court Baron for the manor or borough of Sunderland; and numerous others in this district, and the south and west of England, with civil jurisdiction to levy fines and forfeitures against certain offenders, and for the recovery of debts under forty shillings, at the trifling cost of two shillings and sixpence, including execution, from parties residing within the jurisdiction of their respective manors or boroughs.

It is to be regretted that only very meagre records of the proceedings of the ancient court baron of Sunderland exist. Fortunately, however, the Right Honourable George Frederick D'Arcy, Earl of Durham, Lord Lieutenant of the county, has recently become the owner of the court rolls, containing the proceedings at upwards of sixty courts, from the 28th April, 1694, to the 13th October, 1719, and also the book containing the elections of the freemen and stallingers of Sunderland from 1699 to 1720, with the original signatures of the freemen, who then, as in modern times, made these self-elections. By kind permission, both these valuable manuscript volumes of local records are now in our possession for the purposes of this work, and its future pages will be enriched with copious and interesting extracts from them, we hope to the gratification of our numerous readers. In the meantime, we may state that William Lambton, Esq. (grandson of the gallant Captain Sir William Lambton, of Lambton, Knt., who was slain in the royal service at Marston Moor, July 2, 1644), M.P. for the county of Durham, commonly called "Old True Blue," great-great uncle,

his brother Ralph Lambton, Esq., sometime of Barnea,
LAMBTON.



near Bishopwearmouth, great-great grandfather, and Mrs. Dorothy Lambton (daughter and co-heiress of John Hedworth of Harraton, Esq.), widow and administratrix of the said Ralph Lambton, Esq., great-great grandmother of the present Earl of Durham, were successively the lessees of the manor or borough of Sunderland, at the above-named dates, under Nathaniel Lord Crewe, Bishop of Durham; at the same time Henry Lambton, Esq. (another brother of the said William and Ralph Lambton), barrister-at-law, attorney-general to Bishop Crewe, and great-great uncle of the Earl of Durham, Ralph Robinson, Esq. (son of Ralph Robinson, Esq., of Middle Herrington, and great grandfather of the late Ralph Robinson, Esq., of Middle Hendon, and of the late James Robinson, Esq., postmaster of Sunderland, and great-great grandfather of Mrs. Surtees, widow of Robert Surtees, Esq., of Mainsforth, the historian of Durham), of Houghton-le-Spring, and sometime of Sunderland, gentleman, a solicitor (who died in 1718), one of the Stallingers, and John Paxton, Esq.,* solicitor (also a stallinger), of Sunderland, were in succession senescals or stewards of the manor or borough, and held the court baron by themselves and deputies. The following, extracted from the Court Rolls and Freeman's Election Book, clearly shows that the freemen and stallingers were merely the

* *Bylaws of Sunderland.* Att a Bylaw holden this 20th Day of December 1718 by us Freemen of ye said Burrough whose names are underwritten Wee doe elect and choose John Paxton of Sunderland aforesaid to be a Stallinger in ye Room and place of Ralph Robinson

Bishop's tenants of the herbage of the Town Moor, and upon their admission to the freedom paid fees to him and his officers, and when they also swore fealty to him as their feudal lord and master. Failing their doing this

decd to enjoy all y^e priviledges and advantages of a Stallinger of y^e said Burrough thereto belonging or in any wise appertaining In Witnesse whereof Wee have hereunto sett our hands y^e day and year above said.

W. ETTRICKE [of Silksworth]

EDWD. ROBINSON

STEPHEN WAITE

JNO. HUNTLEY

THO ROBINSON

GA. NOBLE

JNO: HODGSHOM

RA: HARRISON

RICH: ROBINSON

J. REED

HENRY HOLMES

"Admitted [at a Court Baron]

13 Oct. 1719."

Mr. Paxton was previously a stallinger, having been elected to that office 28th May, 1716, in the room and place of William Reedman, deceased, and on "5 July 1716" at a Court Baron then held he was "Admitted in full court and sworn & R. R. [Ralph Robinson] senes-eal." Mr. Paxton resigned his trust as appears by the following document:—

Burgus de Sunderland. Know all men by these presents That I John Paxton, Attorney, one of the Eighteen Stallingers of the said Burrough of Sunderland by the Sea in the county of Durham doe by these presents assigne surrender and make over unto the Freemen of the said Burrough all y^t my Office place and Trust of a Stallinger of the said Burrough with all profits and advantages thereto belonging or in anywise appertaining hereby disclaiming all and all manner of Right of Enter Com'on or Com'on of Pasture upon those three Pastures called the Town Moore, intack & Conywarren or any other Franchise belonging or in anywise appertaining to me as a Stallinger.

suit and service, the lord had power to fill up vacancies in their body, as appears by the following entries :—

"Burrough of Sunderland. Court Baron of Ralph Lambton, gentleman, lessee of the Reverend Father in God, Nathaniel Bishop of Durham, held there, the Fourth day of May, in the year of Our Lord, 1699, before Henry Lambton, Esq., senescal of the manor or borough (manerii sive burgi) aforesaid.

NAMES OF THE JURY.

JOHN PEASE	S W O R N.	WILLIAM HUNTLEY	S W O R N.
JOHN EDGAR		WILLIAM COMING	
THOMAS BLENKINSOPP		JOHN SPENCELEY	
EDWARD COOK		CHARLES PICKERING	
ENEAS CAMBELL		GEORGE SWINBORNE	
THOMAS FREAR		CHARLES HUTCHINSON	

In addition to the usual business of the court, " This day proclamation was made that Adam Nicholson and Anthony Hodgson* [freemen elect] should appear & take their severall admittances or else the court would proceed to a new election, and upon such proclamation they respec-

Therefore I doe hereby pray and desire the Freemen of the sd Burrough to Elect and choose such other Capable person to be a Stallinger in my roome and place as they shall think fitt according to the Custome of the said Burrough as Witness my hand and Seale this Twelfth day of Novembr Ano' Dom'. 1717.

Test.

J: PAXTON. (L.S.)

GEO : FULTHORP.

J. REED.

—From the " *Freemen's Election Book*."

* At a Bylaw of the Freemen, held May 21, 1715, John Hodgson was elected, first a Stallinger in the place of Richard Robinson, Junr., (then chosen a freeman), and on the same day he was chosen a freeman in the place of Anthony Hodgson, resigned.—From the *Freemen's Election Book*.

tively did appear & took their respective admittances and payd the admission fees for such their admittances."

"John Harby was admitted a stallinger."*

"Burgis de Sunderland. Att a Bylaw holden y^e Sixth day of May 1701 by us Freemen of the said Burrough whose names are underwritten Wee Elect and Choose John Wattson of Sunderland aforesaid to be a Stallinger in y^e roome & place of Thom : Tucker who by a writeing under his hand and seale bearing date herewith hath released and surrendred his said place of a Stallinger into the hands of the Freemen of the said Burrough therein praying they will elect another in his roome. So the said John Wattson is to enjoy all y^e priviledges & advantages to a Stallinger of the said Burrough belonging or in anywise appertaining. In Witness whereof Wee have hereunto sett our hands the day and yeare abovewritten

BRY : STOBART

ROBT. BARWICKE

RICH. ROBINSON

WM. ETTRICKE

EDWD. ROBINSON

ISAACK RUMFORD

RA. ADAMSON

ANTHONY HODGKINSON

STEPH. WAITE

WM. DENT.

WM. SCARBROUGH

WM. HINCKS

"Att a Court [Baron] held the 18th of May 1701, the above-named John Watson was admitted a Stallinger by the Steward of y^e Court."

* From the "Rolls of the Court Baron."

At a Bylaw of the Freemen held the 13th April, 1703, Thomas Browne, of Sunderland, was elected a Freeman, in the place of William Scarbrough, deceased. And at a Court Baron of Ralph Lambton, gentleman, lessee of the Bishop of Durham, held "Aprill y^e 15th 1703" before William Carr, deputy senescal, "Thomas Brown, then admitted [a] Freeman, sworn

		s.	d.
" To y ^e Lord of y ^e Manor	...	6	8
To y ^e Steward	... ..	10	0
To y ^e Bayliffe	... ..	2	0
		<hr/>	
		18	8"

On the 13th of April, 1703, John Scarbrough was elected a Stallinger in the place of John Taylor, deceased; and at a Court Baron held "Aprill y^e 15th 1703. John Scarbrough then admitted [a] Stallinger, sworn

		s.	d.
" To y ^e Lord of y ^e Manor	...	3	4
To y ^e Steward	... ..	3	4
To y ^e Bayliffe	... ..	1	0
		<hr/>	
		7	8"

—The above facts—the proclamation in the Court Baron, their oaths taken and fees paid on their admission in that court, coupled with Mr. Paxton's resignation—shew the presumption of a late attempt of the freemen and stallingers of Sunderland to oust their lord, the then Bishop

* From the Freemen's Election Book as entered by the Senescal of the Court Baron.

of Durham, of the soil and freehold of the Town Moor, when at most they were only his tenants of its herbage.

At a halmote court for the manor of Houghton, held at Houghton-le-Spring, on the twenty-third of April, 1787, before George Pearson, Esq., (grandfather of George Pearson Wilkinson, Esq., of Elm Park, near Wolsingham), deputy steward of the manor, and a jury of the lord's tenants, the following presentment was made :—

“ Ralph Watson, of Bishopwearmouth, for leading coles, with his cart, along the foot-causey, between Bishopwearmouth, & Sunderland · fined six shillings and eightpence.”

Before the year 1183, Hugh Pudsey, Bishop of Durham, exercised his “ jura regalia,” or royal power, within his palatinate, by granting a charter of incorporation to Sunderland, under the name of the borough of Wearmouth, when he relaxed much of the rigour of the feudal system to his tenants by abolishing blodwite, merchet (see page 109), heriots (see page 106), and stengesduit, within the borough, and throughout the lands of the see of Durham, then known as “ St. Cuthbert's Patrimony.” The heriot is not to be found in any of the copyhold manors in the north, but it still exists in several in the south and west of England, where, at the death of a copyholder, the lord of the manor can seize the best chattel the tenant possessed ; and in some manors the best life chattel. On the death of the late Sir Gilbert Heathcote, Bart., M.P., who was a copyholder, the lord of the manor seized, as a heriot, Sir Gilbert's famous horse Smolensko, worth about three thousand pounds.

The only title that the feudal tenant held for his land, consisted of copies of entries and admittances of his name and property on the court roll of the lord of

the manor ; the lands so holden came to be called copyholds, and from these arose the modern copyholders, who



REMOVAL OF ST. CUTHBERT'S RELICS.

can transfer their property in a very easy way by surrendering it to a purchaser in the presence of the steward of the lord of the manor, when an entry of the sale is made upon the court rolls.

The copyhold property now in the parish of Sunderland, was created by a grant "de novo" made May 8, 43 Elizabeth, 1601, by special license of Tobias Matthew, then Bishop of Durham, as lord of the manor, to Ralph Bowes, Esq., of Barnes, near Bishopwearmouth, vice-admiral of the county palatine of Durham (see page 66),

Mr. Bowes doing to the lord and the neighbours the things which are due, &c.

Mr. Ralph Bowes built part of the quay, extending westward from the bottom of the Long Bank, Sunderland : this was for many years known as "Bowes's Quay."

On 13th May, 12 James I., 1614, Ralph Bowes, Esq., demised to Humphrey Wharton, gentleman, the said premises, "Together with all the houses and the Salt Panns and Staiths thereupon built and to be built." To hold to the said Humphrey Wharton, and his assigns, for 5 years, and he gave for leave to demise, five shillings. On 22d March, 16 James I., 1619, Ralph Bowes, Esq., surrendered to Humphrey Wharton, gentleman, the whole of the said premises, "To have to the said Humphrey Wharton, and his sequels in right, according to the custom of the court, rendering &c. And he was thereupon admitted tenant." On the 27th May, 17 James I., 1619,

Humphrey Wharton demised to George
DEMISE, 10s. Collingwood, Esq., and Robert Collingwood, his brother, all the last mentioned premises, to hold to the said George Collingwood and Robert Collingwood, and their assigns for fifty years, rent £120. On the 12th April, 8 Charles I., 1632, Humphrey Wharton, gentleman, surrendered to William Bowes, eldest son and heir of Ralph Bowes, Esq., all the said premises. To have to the said William Bowes, and his sequels in right, according to the custom of the court, rendering &c. And he was thereupon admitted tenant.

On the 30th December, 10 Charles I., 1634, William Bowes, Esq., surrendered to Robert Collingwood, of Hetton-on-the-Hill, [one of the common council-men of Sunderland under Bishop Morton's charter] and William

Power, Esq., the whole of the waste tenure above-named (excepting the lands and tenements parcels of the premises before granted to William Lambton, Adam Burdon, Robert Ayre, and Henry Babington*). To have to the said Robert Collingwood and William Power, and their sequels in right, according to the custom of the court, rendering &c. And they were admitted tenants thereof absolute.

On the 6th November, 24 Charles II., 1672, † Thomas Power, gentleman, son and heir of William Power, Esq., deceased, who survived Robert Collingwood, gentleman, also deceased, was admitted to all the same premises, which the said William Power had in right whilst he lived. To have to the said Thomas Power, and his sequels in right, &c. And he was thereupon admitted tenant. On the following day, 7th November, 24 Charles

II., 1672, Thomas Power surrendered to

DEMISE, 6D. William Haddock, the elder [a common carrier between Newcastle and Sunderland, who, about 1640, married Mary, only daughter and eventual heiress of William Bowes, Esq., of Barnes], and William Haddock, the younger, son of the aforesaid William, the whole of the said copyhold property (excepting the lands and tenements parcels of the premises before

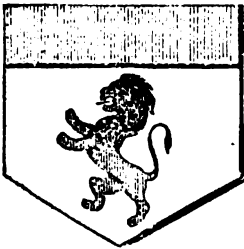
* Comprising Bishopwearmouth Panns, and other wastes adjoining the river, east and west of the bridge, near Bridge Crescent, Matlock Street, and the Earl of Durham's coal fitting office upon the "Jack-Daw Rock," in the parish of Bishopwearmouth.

† In some historical, and in all legal documents, the reign of Charles II. is reckoned from the death of his father, Charles I., Jan. 30, 1649.

granted to Sir William Lambton, Knt., Adam Burdon, Robert Ayre, and Henry Babington). To have to the said William Haddock, senior, and William Haddock, junior, and their sequels in right, according to the custom of the court, rendering &c. And they were thereupon admitted tenants absolute.

The Haddocks (according to Archbishop Sancroft, as quoted by Mr. Surtees, were mean illiterate persons, who destroyed several of the ancient evidences of Barnes Estate, and soon squandered away the Bowes's property*. Several of their conveyances to Jenkins and Ettrick, respectively the purchasers of Barnes, and High Barns, are signed with the mark of the elder Haddock.) however, retained possession of the Sunderland copyhold property, a very short time, for on the 7th January, 24 Charles II., 1673, William Haddock, senior, and William Haddock,

ETTRICK.



junior, surrendered to Walter Ettrick,† gentleman, collector of the customs at the port of Sunderland, and by patent of Bishop Cosin, registrar of the Bishop of Durham's court of admiralty, "The whole waste tenure lying along the river or bank of the Wear, on the south part of the same, in the parish of Bishopwearmouth, from the west part of the same waste tenure, to the east part of the key

* It is a rather curious coincidence that an heiress of another branch of the family of Bowes, Mary Eleanor, only child of George Bowes, Esq., M.P., of Streatlam Castle and Gibside, married for her second husband, a downright profligate, the notorious Andrew Robinson Stoney, who afterwards took the name of Bowes, and who is described by his biographer as a villain to the back-bone!

† Walter Ettrick, Esq., was one of the freemen of Sunderland,

of Adam Nicholson [one of the freemen, see p. 117] in
the Burrough of Sunderland-near-the-Sea,

DEMISE, 6D. on the east, from that meet called the
low water-mark to that meet called the
high water-mark, with all the Ballast Keys there built or
to be built. To have to the said Walter Ettrick and his
sequels in right, according to the custom of the court,
rendering &c. And he was thereupon admitted tenant.
Defeazanced That the lands and tenements thereby passed
upon condition that the above-named W. Haddock, sen.,
and W. Haddock jun., their heirs, excutors, and adminis-
trators, and every of them, do well and truly observe, per-
form fulfil and keep, all and singular the clauses, covenants,
conditions, grants, and agreements, which on their and
every of their parts and behalves are and ought to be
observed, performed, fulfilled, and kept, specified, de-
clared, and contained, in one pair of Indentures of feofment
bargain, and sale, bearing date 1st October, 24th of his
then Majesty's reign [1672] between the said William
Haddock, senior, and William Haddock junior, on the one
part, and Walter Ettrick of the other part, according
to the purport and true intent and meaning of the said
Indentures, otherwise the surrender to be void and of
none effect, and the said Walter Ettrick and his sequels
in right, at the proper costs and charges in the law of the
said William Haddock, senior, and William Haddock,
junior, and their sequels, to re-surrender the above-men-
tioned premises to them and their sequels in right."*

which place he resigned Dec. 2, 1699, when Mr. William Dent (who
was that day first elected a stalling in the place of John Forster,
deceased) was chosen in his room.—*Freemen's Election Book*.

* It would appear that the copyhold wastes contained in the first

On the 7th January, 24 Charles II., 1673, William Haddock, senior and junior, surrendered to Walter Ettrick, "one parcel of waste land, lying in the parish of Bishopwearmouth, on the east end of the town of Sunderland, near the river or water of Weare, on the south part of the same, abutting on a tenement, key, or wharf, of Adam Nicholson, and another key or wharf of the Dean and Chapter of Durham on the west, extending itself from that meet called the high water-mark, to that meet called the low water-mark, on the south part and the north, and so far as the aforesaid river or water extends itself and runs from the west to the east. To have to the said Walter Ettrick and his sequels in right, according, &c. And he was admitted tenant thereof absolute" by King Charles II., when he was guardian or trustee of the temporalities of the see of Durham, during a vacancy of that see, which was from the death of Bishop John Cosin, on the 15th of January, 1671-2, to the translation of Nathaniel Lord Crewe from the see of Oxford to Durham, in November, 1674; during this time Charles II. appropriated the revenues of the see to his own use.

The first and second surrenders to Mr. Walter Ettrick covers the whole river waste in the townships of Ford, Bishopwearmouth, Bishopwearmouth Panns, and the parish of Sunderland, granted to Mr. Ralph Bowes in 1601, except the waste previously surrendered by the

surrender from the Haddocks to Mr. Walter Ettrick had been re-surrendered by him to that family, but the date of the document is unknown. This is evidenced by the fact that Mrs. Elizabeth Haddock, widow of William Haddock the younger, and Nicholas Haddock her son, surrendered to Mr. Richard Robinson, of Sunderland, a parcel of river waste at Ayres Quay, about the year 1711.

Bowes family. The quays of the Dean and Chapter of Durham and Adam Nicholson, named as the eastern boundary of the first and western boundary of the second surrender, is the old Custom-house Quay, at the west end of the Low Quay, formerly called Ettrick's Quay. At the date of the surrenders to Mr. Walter Ettrick, the ground between Bowes's Quay on the east, and the quays of the Dean and Chapter and Adam Nicholson on the west, was within the flow of the tide, previous to the building of Ettrick's Quay.

On the 5th November, 3 William and Mary, 1691, Walter Ettrick, Esq., (who died at Bath in 1702, aged 72), surrendered the said premises to his second son Mr. Anthony Ettrick, afterwards of High Barns. To have to the said Anthony Ettrick and his sequels in right according to the custom of the court, rendering &c., And he was admitted tenant thereof absolute.

On 14th Sept. 4 William and Mary, 1692, Mr. Anthony Ettrick, surrendered to his elder and only surviving brother, William Ettrick, gentleman, [of Silksworth, one of the freemen and collector of the customs at this port, who died in 1735, aged 74], one moiety of all that parcel of waste ground with the appurtenances, lying in the parish of Bishopwearmouth, at the east end of the town of Sunderland, near the river or water of Wear, on the southern part of the same, abutting upon a tenement and a certain parcel of waste land to the same tenement appurtenant, and then in the possession of Mary Ridley, widow, on the west, extending from that mark called the high water-mark, to the mark called the low water-mark, on the south and north parts, and as far as the said water or river extends and runs from west to east. To have to the said William

Ettrick and his sequels in right according to the custom of the court, rendering &c. And he was thereupon admitted tenant absolute, On 10th October, 7 William and Mary, 1695, the said Anthony Ettrick surrendered to the said William Ettrick, one moiety, in two parts to be divided, of one parcel of waste land, with the appurtenances, lying in the parish of Bishopwearmouth, at the east end of the town of Sunderland, near the river or water of Wear, on the south part of the same, abutting upon a key or wharf of the Dean and Chapter of the Cathedral Church of Durham on the west, upon a messuage or tenement, and a certain parcel of waste land belonging to the same, now [then] in the possession of Mary Ridley, widow, on the east, extending itself from that mark called the high water-mark to that mark called the low water-mark, on the south and north parts. To have to the said William Ettrick, and his sequels in right, according to the custom of the court, rendering, &c. And he was thereupon admitted tenant absolute. On the 20th September 11 Queen Anne, 1712, the said Anthony Ettrick surrendered to the said William Ettrick, one moiety, in two parts to be divided, of one parcel of waste land, with its appurtenances, lying in the parish of Bishopwearmouth, at the east end of the town of Sunderland, near the river or water of Wear, on the south part of the same river, and abutting upon a key or wharf of the Dean and Chapter of the Cathedral Church of Durham on the west part, upon a messuage or tenement and a certain parcel of waste land to the same belonging lately in the possession of Mary Ridley, widow, on the east part, the whole parcel of land aforesaid containing by estimation in length 24 "virgats," extending from that mark or place called

(before the erection of the wharf lately erected thereupon) the high water-mark, to that mark called the low water-mark, of the river of Wear aforesaid, on the south and north, and of a moiety of a certain wharf and other edifices thereupon lately erected or about to be erected, with the appurtenances. To have to the said William Ettrick, and his sequels in right, according to the custom of the court, rendering, &c. And he was thereupon admitted tenant.

Mr. Walter Ettrick* enjoyed these copyhold premises without interruption from any person. About the year 1704, his sons, Mr. William Ettrick, of Silksworth, and Mr. Anthony Ettrick, of High Barns, were informed that the building of a quay or wharf on part of the said waste ground would benefit the port, and the navigation thereof, and pretending to build a quay on the west end of the copyhold waste, had several conferences thereupon with divers coal fitters, &c., and other inhabitants reputed to be of good understanding, about building the same, who came to the unanimous approbation for promoting the building thereof, and certified the same in writing; and the quay was, during the next year (1705), built by Mr. William Ettrick, containing in length forty-eight yards, or thereabouts. Messrs. William and

* In 1672, the officers of the Customs at Sunderland consisted of a collector (Walter Ettricke), salary, £50; a surveyor (Thomas Thompson), £30; a boatman for himself and a man to keep a boate, £30; two boatmen for merchandizes, at £15 each—£30; a wayter and searcher, £20—total, £160.—From a MS. book [Plut. IV. F. Brit. Mus.] entitled "Establishment of Officers of his Majesty's Customs," compiled by Peter Carew, who states that he received one pound from a bookseller for a copy.—*Surtees's Durham*, iii., 419.

Anthony Ettrick did, in the year 1710, begin the building of another quay, near the Nab End, under the Coney Warren (near the site of the present pier works and river entrance to Sunderland Dock), and caused keel loads of stone to be laid there, and employed many workmen; but finding the strong spring tides and high seas running through, frequently overflowed and disordered the work, they desisted, and removed the said stones, and afterwards built another quay therewith, about twenty yards in length, contiguous to the east end of Bowes's Quay, whereupon Mr. Richard Robinson, senior, of Middle Herrington (son of Mr. Ralph Robinson of that place, and brother of Ralph Robinson, Esq., senescal of the court baron of Sunderland—see page 115), and of 31, Church Street, Sunderland, malster, one of the freemen, and a manufacturer of bricks upon the Town Moor, under colour of a copyhold fine or surrender to him made by Elizabeth Haddock, widow of William Haddock the younger, of Barnes, and her son, Nicholas Haddock, in the year 1711, of a parcel of land called Ayre's Quay lying on the south side of the river Wear, and about a mile to the west of Sunderland, laid claim to the said copyhold waste ground.

The death of Mr. Richard Robinson, senior, 26th October, 1715 (who, as a freeman brickmaker upon the Town Moor, had rendered himself notorious, and in some degree obnoxious even to his brother freemen, by his pretensions to the soil and freehold thereof), probably settled for a while his claim to the Sunderland copyhold. Some of the freemen and stallingers, however, seem to have kept envious eyes upon these wastes adjoining the Coney Warren, which every year became more valuable,

as the quay increased, and the trade of the town and port extended. Whilst building their quay, it appears that Mr. William Ettrick and Sir William Middleton* were much obstructed by some of the members of that self-elected corporation. To such a pitch was this system of annoyance carried in 1729, as occasioned Sir William Middleton and Mr. Ettrick to file a bill against the freemen and stallingers on the equity side of the Court of Exchequer. This had the desired effect, in giving the plaintiffs in the suit quiet possession of their copyhold, and their quay was completed.

On the 23rd May, 9 George I., 1723, William Ettrick surrendered to Anthony Ettrick a moiety, in two parts to be divided, of one parcel of waste land, with the appurtenances, lately lying in the parish of Bishopwearmouth, and now lying in the parish of Sunderland-near-the-Sea, at the east end of the town of Sunderland aforesaid, near the river or water of Wear, on the south part of the same, abutting upon a tenement and a certain parcel of waste land to the same tenement belonging, for-

* Sir William Middleton, Bart., died at his seat, Belsay Castle, September 28th, 1757. He was a gentleman of the most strict honour and steady attachment to the house of Hanover, which he manifested upon all occasions, with ardour and alacrity; one remarkable instance of which was his attending the Duke of Cumberland in his expedition to Scotland, where he was present at the battle of Culloden. He was one of the oldest members of the House of Commons, having sat in six parliaments, a representative for the county of Northumberland, where his interest was so firmly established that no force of party seemed able to shake it; and, indeed his social heart and many amiable qualities had so endeared him to everybody that, whether named as a companion or a toast, Sir William Middleton was always acceptable.—*Sykes's Local Records*.

Sir William Middleton was only once opposed in his elections

merly in the possession of Mary Ridley, widow, on the west part, extending from that mark called the high water-mark, to that mark called the low water-mark, on the south and north parts, and as far as the said water or river extends and runs from west to east. To have to the said Anthony Ettrick, and his sequels in right, according to the custom of the court, rendering, &c. And he was thereupon admitted tenant.

On the 15th January, 10 George I., 1724, Anthony Ettrick voluntarily surrendered into the hands of the lord a moiety, the whole in two parts to be divided, of a certain parcel of land, lying lately in the parish of Bishopwearmouth, and then in the parish of Sunderland-near-the-Sea, between the mark called the high water-mark and the meet called the low water-mark, of the river Wear, on the south part of the same river, abutting upon a tenement or wharf belonging to the same, called

for Northumberland, then the entire county, May 8, 1734. Candidates—

Ralph Jennison, Esq., of Elswick.....	(returned)....	1189
Sir Wm. Middleton, Bart., of Belsay Castle	(returned)	1092
John Fenwick, Esq., of Bywell.....		1052
John Bacon, Esq., of Newbrough		152

ON THE LATE WELL BELOVED SIR WILLIAM MIDDLETON.

Beloved by tenant, servant, and by friend,
Such love as seldom the great man attend ;
A generous heart, without affected pride,
And truth did all Sir William's actions guide.
Ye Gods, attend the darling of his life,*
Rememb'ring still she was Sir William's wife.

J. O., West Matfen, Oct. 13, 1757.

—*Newcastle Courant*, Oct. 15, 1757.

* Meaning her ladyship.

Bowes's Key, formerly in the tenure of Mary Ridley, widow, on the west part, and a certain rock there called the Nab End on the east part. Defeazanced upon such trusts as the said Anthony Ettrick by any deed or will should direct or appoint. On the same day, a similar surrender was made by William Ettrick, and upon the same trusts.

On the 8th April, 11 George I., 1725, two surrenders were executed by William Ettrick, Esq. (of Silksworth), to Thomas Ogle, gentleman [of the city of Durham, only son and issue of the Rev. Thomas Ogle, curate of Bishopwearmouth, by his wife Anne, fourth daughter of the above-named Walter Ettrick, Esq.,] the first of which was of all that parcel of waste land, with its appurtenances, lying lately in the parish of Bishopwearmouth, and now in the parish of Sunderland-near-the-Sea, at the east end of the town of Sunderland aforesaid, near the river or water of Wear, on the south part of the same river, abutting upon a key or wharf of the Dean and Chapter of the Cathedral Church of Durham on the west part, upon a messuage or tenement and a certain parcel of waste land to the same belonging lately in the possession of Mary Ridley, widow, on the east part, the whole parcel of land aforesaid containing by estimation in length 24 virgats, extending from that meet called (before the erection of the wharf lately thereupon erected) the high water-mark, to that meet called the low water-mark, of the river Wear aforesaid on the south and north parts, with all wharfs and other edifices of every kind thereupon lately erected or to be erected, with all the appurtenances. The second surrender was of a moiety, the whole in two parts to be divided, of a certain parcel of land lying lately in the parish of Bishop-

wearmouth, and now in the parish of Sunderland-near-the Sea, between the meet called the high water-mark and the meet called the low water-mark of the river Wear, on the south part of the said river, abutting upon a tenement and wharf to the same belonging, called Bowes's Key, formerly in the tenure of Mary Ridley, widow, on the west part, and a certain rock there called the Nab End. To have to the said Thomas Ogle and his sequels in right according to the custom of the court rendering &c. And he was thereupon admitted tenant. Defeazance subscribed to the second of the said two surrenders upon trust as the said William Ettrick should by will or deed appoint.

On the 15th April, 11 George I., 1725, William Ettrick surrendered to Thomas Ogle, a moiety, the whole in two parts to be divided, of a certain parcel of land, lying lately in the parish of Bishopwearmouth, and now in the parish of Sunderland-near-the-Sea, between the meet called the high water-mark, and the meet called the low water-mark, of the river Wear, on the south part of the same river Wear, extending from that rocky place there called the Nab End, as far as the said river Wear extends or runs towards the east, and also all such and so great authority, liberty, privilege, right, title, estate, and interest, to the said William Ettrick belonging, in such and so great a manner as they were agreed to be reserved to the said William Ettrick, and Anthony Ettrick, in and by a certain Indenture, dated 21st August, 1723, and made between the said William Ettrick, of Sunderland, Esq., and Anthony Ettrick, of High Barns, Esq., of the first part, the Rev. William [Talbot] Lord Bishop of Durham, and others of the second part, and Charles Lumley, Hedworth Lambton, Robert Killinghall, Charles Davison, Thomas Dale,

and Thomas Ogle, of the third part. To have to the said Thomas Ogle and his sequels in right according to the custom of the court, rendering, &c. And he was thereupon admitted tenant. Defeazanced upon such trusts as the said William Ettrick should by will or deed appoint.

The following shows the first purchase of copyhold river waste by the Commissioners of the river Wear, now part of the site of the pier works.

“Halmote Court held at Houghton-le-Spring, 9th April, 10 George I., 1724.

“On the 20th April, out of court at the city of Durham came the Honourable Charles Lumley [a younger son of Richard first Earl of Scarborough, and M.P. for Chichester], Hedworth Lambton, of Lambton in the county of Durham, Esq., [a major-general, second son of Ralph Lambton, Esq., sometime of Barnes], Robert Killinghall, of Middleton-Saint-George, in the said county, Esq., Charles Davison, of North Biddick, Thomas Dale of Tunstall, gentleman [who married Margaret youngest daughter and co-heiress of George Middleton, of Silksworth, Esq., by whom he had a son Edward Dale (grandfather of Capt. Edward Dale, of Whitburn), who married Eleanor, youngest daughter of the Rev. John Laurence, A.M. rector of Bishopwearmouth], and Thomas Ogle of the city of Durham, gentleman, of a parcel of land adjoining the parish of Bishopwearmouth, and now in the parish of Sunderland, between &c.

“From William Ettrick and Anthony Ettrick.

“Upon such trusts, and to and for such intents and purposes, and under and subject to such covenants, provisos, and agreements, as are mentioned, expressed, or declared of or concerning the same, in or by the said Indenture

tripartite mentioned in the said Indenture, and bearing such date, and made between such parties, as are therein mentioned, and to, for, or upon no other trust, intents, or purpose whatsoever.

“ Indenture dated 21st August, 1723, made between William Ettrick \S nomen William Ettrick, of Sunderland [and Silksworth], Esq., and Anthony Ettrick \S nomen Anthoney Ettrick of High Barns, gentleman, of the first part, the Right Rev. William [Talbot] Bishop of Durham, Richard [first] Earl of Scarborough, Richard Lumley [eldest son, heir, and successor of Thomas Lumley Saunderson, who succeeded his brother Richard as second Earl of Scarborough], William Pawlett, Christopher Durham Barnard, Hon. John Montague, Dean of Durham, Dormer Parkhurst, Esq., temporal chancellor of Durham, John Brookbank, Esq., spiritual chancellor of Durham, Nicholas Fazakerly, Esq., attorney-general of Durham [M.P. for Preston, Lancashire], John Rudd, solicitor-general, the Hon. Gilbert Vane [father of Henry first Earl of Darlington], Sir William Williamson, Bart*, Nicholas Tempest, Sir Richard Musgrave [of Hayton Castle, Cumberland, Bart., who married Anne, daughter of John Hylton, Esq., of Hylton Castle, and sister of John Hylton, Esq., the last

* Of Monkwearmouth Hall and Whitburn Hall (great grandfather of the present Sir Hedworth Williamson, Bart.), who married Elizabeth, daughter and co-heiress of John Hedworth, of Harraton, Esq. He was appointed sheriff of the county palatine of Durham, by Bishop Talbot, on the 7th of September, 1723, in which office he continued until his death, in April, 1747, when his son, Sir Hedworth Williamson, Bart., was appointed sheriff by Bishop Chandler, he dying the 13th of January, 1789, and being succeeded as sheriff by his son, the second Sir Hedworth Williamson.

of the name], Sir Henry Liddell [died Sept. 1, 1723, of Newton Hall, near Durham, Bart., high sheriff of Durham, 1721-3, direct ancestor of the late Right Honourable Thomas Henry, second Lord Ravensworth], Sir John Eden, Bart.,* John Hedworth,† Thomas Conyers,‡ Gilfred Lawson, Esq., John Cuthbert, serjeant-at-law, Rev. Thomas Eden [brother of Sir John Eden, and Prebendary of Durham], LL.D., John Hylton [of Hylton Castle, Esq., the last male representative of that ancient family, who died September 25, 1746], William Lambton [of Bart., by the patent of Bishop Thurlow (uncle of the late Rev. Edward South Thurlow, M.A., rector of Houghton-le-Spring), who held the office until his death, the 14th of March, 1810. From the long period that the office of Bishop's sheriff was served by the Williamsons, the opinion was very prevalent that it was hereditary in the family. The present Sir Hedworth Williamson, Bart., was sheriff in 1840, under the now palatinate arrangements of the palatine of Durham.

* Of West Auckland, eldest son of Sir Robert Eden, whom he succeeded in the Baronetcy in 1720. He was returned to parliament as one of the members for the county of Durham, in 1713, 1714-5, and 1722. It is related of him, that on some project for equalizing the land-tax which was brought before parliament, he placed a brown loaf and a pair of wooden clogs on the table, saying, "there—when the *south* eats and wears what we do in the *north*, then mak us like and like." He was a popular man of a popular family. He was buried at St. Helen's, Auckland, May 17, 1728.—*Sharp's Knights and Burgesses.*

† Of Chester Deanery, descended from the ancient family of the Hedworth's, of Southwick and Harraton, son of Ralph Hedworth of Chester Deanery, by his wife Eleanor, daughter of Henry Lambton, of Lambton, Esq. He represented the county of Durham in the parliaments of 1713, 1714-5, 1722, 1727, 1734, 1741, until his death, which took place in his chariot near Leicester, on his journey from Bath, May 31, 1747. He was the last male representative of the family of Hedworth.—*Sharp's Knights and Burgesses.*

‡ Thomas Conyers, of Elemore, son of Nicholas Conyers, of

Lambton, Esq.], John Tempest, Ralph Carr of Cocken, Robert Shafto,* Robert Ellison, John Spearman, Freville Lambton, jun., Henry Lambton [of Lambton, Esq., M.P. for the city of Durham from 1733 until his death, June 26, 1761, eldest son of Ralph Lambton, Esq., sometime of Barnes], Joseph Musgrave, Jacob Nicholson, Francis Myddleton [of Offerton, who married Elizabeth, daughter and sole heiress of George Shipperdson, of Biddick House], Jacob Davison, William Coatesworth, Ralph Robinson, Esq.† [of Middle Herrington, eldest son of Richard Robinson, Esq., of that place, and of 31, Church Street, Sunderland, malster], Anthony Robinson, gentleman, collector, and Laurence Croft, surveyor of the customs of Sunderland, the Rev. Sir George Wheler, Knt., S.T.P., rector of Houghton-le-Spring, Rev. John Laurence, A.M., rector of Bishopwearmouth, Rev. Richard Stonhewer, rector of Washington, Rev. Daniel Newcombe, first rector of Sunderland, Rev. Jacob Musgrave, minister of Monk-Bowlby, in the county of York, and Biddick, in the county of Durham, Esq., by his third wife, Margaret, daughter and heiress of Nicholas Freville, of Hardwick, in the latter county. He represented the city of Durham in ten parliaments, 1698, 1700-1, 1701, 1702, 1705, 1708, 1710, 1713, 1714-15, and 1722, and died October 4, 1728. His only daughter married George Baker, of Crook Hall, Esq., and afterwards of Elemore.—*Sharp's Knights and Burgesses.*

* Of Whitworth, eldest son of Mark Shafto, of Whitworth, Esq., and grandson of Sir Robert Shafto, Recorder of Newcastle. He was elected M.P. for Durham city Feb. 15, 1711-12, and again in 1727. He married Dorothy, fifth daughter of Henry Dawney, second Lord Viscount Downe. He was buried at Whitworth, Dec. 21, 1729.—*Sharp's Knights and Burgesses.*

† Generally called Justice Robinson. He married 1st Barbara, daughter and heiress of ——— Wilson, of Newbottle, by Barbara sister and co-heiress of Robert Shipperdson, gent., of Bainbridge

wearmouth, Rev. Nicholas Conyers,* minister of Chester-le-Street, John Grey, Esq., mayor of Durham, John Fawcett, Esq., recorder of Durham [great grandfather of John Fawcett, of Durham], Thomas Wilkinson, Esq., George Grey, Esq., councillor-at-law, George Liddell, Esq. [M.P. for Berwick-upon-Tweed, brother of Sir Henry Liddell above-named], Thomas Smith [of Murton House, coal owner], John Goodchild [of Pallion Hall, Esq., who married Elizabeth, one of the daughters of the Rev. John Laurence, A.M.], Thomas Allan [of the Flatts near Chester-le-Street], Samuel Ayton [of West Herrington], Henry Peareth [of Usworth], George Storey [of Bishopwear-Holme, near Bishopwearmouth; 2. Isabel, daughter and heiress of John Shipperdson, of Bishopwearmouth, widow of Thomas Reed, of Ford. He died without issue, and was buried at Houghton-le-Spring, Jan. 2, 1764, aged 83. He contested the county of Durham at the election April 4, 1722.

CANDIDATES.

Sir John Eden, Bart.....(returned).....	1342
John Hedworth, Esq.....(returned).....	1204
William Lord Viscount Vane.....	1060
Ralph Robinson, Esq.....	1080

Treating appears to have been understood and practised as well in "the good old times" as at present. November 30, 1732.—I went down to Sunderland to wait on Mr. Hedworth, who went about the town to ask for votes for Parliament-man, and dined at his *treat*.—Aug. 29, 1739,—At Sunderland, with Mr. Hedworth, a parliamenting, and dined with a great many gentlemen, at his *treat*.—*Diary of Wm. Ettrick, Esq., of High Barns* as quoted in *Sharp's Knights and Burgesses*.

* At a Bylaw of the freemen held at Sunderland, October 2, 1703, Nicholas Conyers was elected a stallinger in the place of John Frizell, who was that day elected a freeman in the place of Isaack Rumford, deceased; and at a Bylaw held Nov. 16, 1704, Gawen Noble was elected first a stallinger in the place of Nicholas Conyers, resigned, and then a freeman in the room of John Frizell, deceased.—*Freemen's Election Book*.

mouth], Anthony Reed, Thomas Wilson [bottle manufacturer, Ayre's Quay, grandfather of the late George Wilson Meadley, Esq., of Bishopwearmouth, the biographer of Dr. William Paley, and Algernon Sydney], gentleman, Stephen Waite [one of the freemen of Sunderland], and Thomas Robinson [of Sunderland, who married Margaret, daughter and co-heiress of William Ettrick, of Silksworth, Esq.], Commissioners of the river Wear and port of Sunderland, in the county of Durham, of the second part, the said Charles Lumley, Hedworth Lambton, Robert Killinghall, Charles Davison, Thomas Dale, and Thomas Ogle, of the third part."

On the 21st August, 13 George I., 1726, John Ogle, cousin and heir of Thomas Ogle, was admitted, by three separate admittances, to all the premises in the three surrenders of 8th and 15th April, 11 George I., 1725, and by the same descriptions, which the said Thomas Ogle had in right whilst he lived. To have to the said John Ogle, and his sequels in right, according to the custom of the court, rendering, &c. And he was thereupon admitted tenant. On the following day, 22nd August, 13 George 1., 1726, the said John Ogle and William Ettrick executed three surrenders to Sir William Mid-

MIDDLETON.



dleton, [of Belsay Castle, in the county of Northumberland, Bart., M.P., one of the Commissioners of the river Wear under the act of 1746-7, who on June 1, 1725, married Anne, youngest surviving daughter and co-heiress of the said Mr. William Ettrick] of all the premises contained in the three admittances of John Ogle on the preceding day. To have to the said Sir William Middleton, and his sequels

in right, according to the custom of the court, rendering &c. And he was thereupon admitted tenant.

As to the quays, wharfs, &c. late belonging to Sir William Middleton, Bart., purchased of Mr. Ettrick.

November 11, 1737, four surrenders were executed by Sir William Middleton, Bart., to Thomas Hill, of South Shields, gentleman, and Hannah Shrive, of the same place, widow.

1. One moiety (the whole in two parts to be divided) of one parcel of waste land with the appurtenances, lying in the parish of Sunderland-near-the-Sea, upon the east end of the village of Sunderland, near

DEMISE, 6D. the river Wear, on the south side thereof, abutting upon a tenement and a certain parcel of waste ground to said tenement belonging, formerly in the possession of Mary Ridley, widow, on the west, extending itself from the meet called the high water-mark to the meet called the low water-mark on the south and north, and to whence the said water or river extends itself and runs from the west towards the east.

2. All that parcel of waste ground with the appurtenances lying in the parish of Sunderland-near-the-Sea, on the east end of the village of Sunderland, near the river or water of Wear, on the south side

DEMISE, 6D. of the said river, abutting upon the key or wharf of the Dean and Chapter of the Cathedral Church of Durham on the west, upon a messuage or tenement and a certain parcel of waste ground to the same belonging, late in the possession of Mary Ridley, widow, on the east, all the said parcel of land

containing by estimation in length 20 and 4 yards, extending itself from the meet or place called (before the erections lately thereupon made) the high water-mark, to the meet or place called the low water-mark of the river Wear, on the south and north, with all wharfs and other edifices whatsoever thereupon erected or built, with the appurtenances.

3. One moiety (the whole in two parts to be divided) of a certain parcel of land lying in the parish of Sunderland-near-the-Sea, between the meet called the high water-mark, and the meet called the low water-

DEMISE, 6D. mark of the river Wear, on the south side of the said river, extending from that part of the rock there called the Nab End as far as the said river Wear extends or runs towards the east, and also all such power, liberty, authority and privilege, estate, right, title, and interest, formerly belonging to William Ettrick, as are agreed to be reserved to the said William Ettrick and Anthony Ettrick now deceased, in and by a certain Indenture bearing date the 21st August, 1723, and made between the said William Ettrick and Anthony Ettrick of the first part, the Right Rev. William Lord Bishop of Durham and others of the second part, and Charles Lumley, Esq., and others, of the third part.

4. One moiety (the whole in two parts to be divided) of a certain parcel of land lying in the parish of Sunderland-near-the-Sea, between the meet called the high water-mark, and the meet called the low water-

DEMISE, 4D. mark of the river Wear, on the south side of the said river, abutting upon a tenement and wharf to the same belonging called Bowes's Key formerly in the tenure of Mary Ridley, widow, on the west, and a certain rock there called the Nab End.

To have to the said Thomas Hill and Hannah Shrive, and their sequels in right according to the custom of the court, rendering &c. And they were thereupon admitted tenants thereof. Defeazanced for securing the payment of such sum and sums of money, and in such manner as in certain Indentures of Defeazance, bearing date with the said surrenders, and made between the said Thomas Hill and Hannah Shrive of the first part, and said Sir William Middleton of the other part.

On the 9th February, 1737, David Hilton, Esq. [seneschal from May 18, 1719, till his death, March 6, 1767, under Bishops Crewe, Talbot, Butler, and Trevor], granted a license to the said Sir William Middleton, Bart., his heirs sequels in right and assigns to demise "All his messuages, houses, lands, and customary tenements, lying and being within the manor of Houghton, to any person or persons whomsoever that would take the same, for any term of years, not exceeding 20 years in the whole to be computed from the 2d February, 1737. And he gave to the lord for leave to demise 10d."

November 9, 1749, Sir William Middleton, Bart., and Hannah Shrive, widow, who had survived Thomas Hill, gentleman, surrendered (by four surrenders) to the Rev. Henry Waistell, clerk [rector of Simonburn, Northumberland], all the premises in the four surrenders of 11th November, 1737, and by same descriptions. To have to the said Henry Waistell, and his sequels in right, according to the custom of the court, rendering, &c. And he was thereupon admitted tenant thereof. Defeazanced upon the trusts of a deed of even date with said surrenders, and made between Sir William Middleton, of Belsay Castle, Northumberland, Bart., of the first part,

Edward Hincks, of Sunderland-near-the-Sea, distiller, of the second part, and the Rev. Henry Waistell, of the third part.

On the 1st September, 1753, Sir William Middleton, Bart., Hannah Shrive, widow, and Rev. Henry Waistell, surrendered (by four surrenders) to Edward Smith and Henry Thomas Carr, all the premises in the before named surrenders of 11th November, 1737, and November 9, 1749, by the same descriptions. To have to the said Edward Smith and Henry Thomas Carr, and their sequels in right, according to the custom of the court, rendering &c. And they were thereupon admitted tenants thereof. Defeazanced upon the trusts of a deed of even date therewith, between the said Sir William Middleton and Dame Ann his wife, of the first part, the said Henry Waistell of the second part, and the said Edward Smith and Henry Thomas Carr of the third part.

Sir William Middleton, Bart., died* without issue, at his seat, Belsay Castle, on the evening of Wednesday, September 28, 1757, see p. 131. On the 27th May, 1760, the above-named Edward Smith and Henry Thomas Carr, surrendered (by four surrenders) to the Rev. Henry Waistell, and John Rosamon, all the premises contained in the four surrenders of 1st September, 1753, and by

* All persons to whom Sir William Middleton, late of Belsay Castle, in the county of Northumberland, Bart., deceased, was indebted at the time of his death, either by bond or on simple contract, are requested to send an account of their respective demands to the Rev. Mr. Wastel, at Symondburn, or to Mr. Stewart, in Pilgrim Street, Newcastle. And all persons indebted to the estate of the said Sir William Middleton, are requested by his Executor, to pay their respective debts to the said Mr. Wastel, or Mr. Stewart, or to Mr. Robert Donkin, at Belsay Castle, aforesaid.—*Newcastle Courant* Oct. 22, 1757.

the same descriptions. To have to the said Henry Waistell and John Rosaman, and their sequels in right, according to the custom of the court, rendering &c. And they were thereupon admitted tenants thereof absolute.

As to the quay, &c., part of Sir W. Middleton's and now (1830) belonging to William Clark, Esq., and Humble Lamb, Esq. on behalf of the Haswell Coal Company.

On the 29th April, 1762, the Rev. Henry Waistell and John Rosamon surrendered to Thomas Thompson, of Sunderland-near-the-Sea, gentleman, all those copyhold premises contained in the second of the said four surrenders of 11th November, 1737, and by the same description. To have to the said Thomas Thompson and his sequels in right, according to the custom of the court rendering, &c. And he was thereupon admitted tenant. On the 25th June, 1762, the said Thomas Thompson surrendered to Francis Blakiston, gentleman, all the aforesaid premises, and by the same description. To have to the said Francis Blakiston, and his sequels in right, according to the custom of the court, rendering, &c. And he was thereupon admitted tenant. Defeazanced in trust for William Blakiston, of Sunderland-near-the-Sea, gentleman, his heirs, sequels in right, and assigns for ever. On the 4th October, 1802, Robert Blakiston, of Bishop-ton, in the county of Durham, gentleman, son and heir of Francis Blakiston, deceased, was admitted to all the same premises as in the surrender of 25th June, 1762, which the said Francis Blakiston had in right whilst he lived. To have to the said Robert Blakiston, and his sequels in right, according to the custom of the court, rendering,

&c. And he was thereupon admitted tenant. On October 5, 1802, Eleanor Blakiston, of Bishopwearmouth, widow, and sole executrix of and under the will of William Blakiston, deceased, and the said Robert Blakiston, surrendered to John Elstob, of Lambton's Buildings, in the county of Durham, brewer, John Kilburn, of Fatfield, in the said county, gentleman, and Robert Hutchinson, of Washington, in the said county, gentleman, all the same premises, and by the same description. To have to the said John Elstob, John Kilburn, and Robert Hutchinson, and their sequels, according to the custom of the court, rendering, &c. And they were thereupon admitted tenants. Defeazanced for securing the sum of £400 and interest to the said John Elstob, John Kilburn, and Robert Hutchinson, or the survivor of them, and upon the trusts of a settlement, bearing date 2nd January, 1800, between the said John Elstob, John Kilburn, and Robert Hutchinson of the one part, and John Hudson and Mary his wife of the other part, and subject thereto in trust for the said Eleanor Blakiston, her heirs, sequels in right, and assigns for ever. On 2nd June, 1806, the said Eleanor Blakiston, surrendered to Eleanor Robinson, of Bishopwearmouth, aforesaid, widow, all the same premises and by the same description. To have to the said Eleanor Robinson, and her sequels in right, according to the custom of the court, rendering &c. And she was thereupon admitted tenant absolute. December 17, 1812, John Elstob, John Kilburn, and Robert Hutchinson surrendered to the said Eleanor Robinson all the same premises and by the same description. To have to the said Eleanor Robinson and her sequels in right, according to the custom of the court, rendering,

&c. And she was thereupon admitted tenant absolute. On the 13th August, 1824, the said Eleanor Robinson, widow, surrendered to John Smith, of Bishopwearmouth, wine merchant, and John Burdon, of Sunderland-near-the-Sea, shipbuilder, all the same premises and by the same description. To have to the said John Smith and John Burdon and their sequels in right according to the custom of the court, rendering &c. And they were thereupon admitted tenants. Defeazanced for securing £700 and interest to the said Eleanor Robinson and subject thereto. In trust for Thomas Burdon of Sunderland-near-the-Sea, common brewer (who had purchased the said premises of the said Eleanor Robinson for £1100) his heirs, sequels in right, and assigns. On 23rd November, 1830, the said Thomas Burdon, Eleanor Robinson, John Smith, and John Burdon, surrendered to Hugh Taylor, of Earsden, Northumberland, Esq., all the said copyhold premises and by the same description. To have to the said Hugh Taylor and his sequels in right according to the custom of the court, rendering, &c. And he was thereupon admitted tenant. Defeazanced in trust for William Clark of Belford Hall, Northumberland, Esq., and Humble Lamb, of Ryton, in the county of Durham, Esq. (who had purchased the said premises for the sum of £2,000) their heirs, sequels in right, and assigns.

As to other part late Sir William Middleton's and now (1830) belonging to Mr. and Mrs. Fisher.

On the 29th April, 1762, the Rev. Henry Waistell and John Rosamon surrendered to Edward Hincks of Sunderland-near-the-Sea, mariner, one of the Commissioners

of the river Wear under the Act of 1746-7, DEMISE, 6D. "all that piece or parcel of ground situate at the east end of Sunderland-near-the-Sea, and lately lying between the high and low water-marks of the river Wear there, on part of which has been erected part of a key commonly called the Commissioners' Key with all houses, keys, edifices and erections then built upon the same, then in the possession of the said Edward Hincks, and abutting upon part of the said key called the Commissioners' Key late in the possession of Stephen Shafto on the west, and the Pier on the east," being part of the premises described in the first of four surrenders dated 11th November, 1737, from Sir William Middleton to Thomas Hill and Hannah Shrive. To have to the said Edward Hincks and his sequels in right, according to the custom of the court, rendering, &c. And he was thereupon admitted tenant. On the 18th August, 1762, the said Edward Hincks surrendered to Robert Inman, of Sunderland-near-the-Sea, coal-fitter, all the premises in the surrender of 29th April, 1762, to the said Edward Hincks, and by the same description. To have to the said Robert Inman, and his sequels in right, according to the custom of the court, rendering, &c. And he was thereupon admitted tenant. Defeazanced upon such trusts as the said Edward Hincks should by will direct, limit, or appoint, and in default thereof in trust for the said Edward Hincks and his sequels in right. On the 4th August, 1774, the said Robert Inman* and Edward Hincks surrendered to John Marshall, of South

* Mr. Inman was a coal-fitter at Sunderland. It is related of him that, on meeting his friend Mr. John Biss, of Deptford House, who

Street, in the city of Durham, breeches maker, all the same premises, and by the same description. To have to the said John Marshall, and his sequels in right, according to the custom of the court, rendering, &c. And he was thereupon admitted tenant. Defeazanced in the first place for securing unto the said Edward Hincks, his executors, administrators, and assigns, the payment of the sum of £400, with interest, on the 2nd August, 1776, and subject the said premises should be upon such trusts as Mary Howlding wife of Anthony Howlding, of Dunnington, in the county of York, gentleman, should, whether sole or married, by her last will direct or appoint, and in default thereof, in trust for the said Mary Howlding and her sequels in right. On the 29th August, 1776, a surrender was executed by the said John Marshall, Edward Hincks, and Anthony Howlding and Mary his wife, to John Pemberton, of Sunderland-near-the-Sea, gentleman, and Thomas Wilkinson, of Monkwearmouth, gentleman, of all the same premises and by the same description. To have to the said John Pemberton, and Thomas Wilkinson, and their sequels in right, according to the custom, &c. And they were thereupon admitted tenants. Defeazanced upon the trusts of a deed of four parts, dated August 19, 1776, between Anthony Howlding and Mary his wife of the first part, the said Edward Hincks of the had just then built the tower or look-out at Deptford popularly called "Biss's Folly," he thus accosted him :—

Some day, when I am able,
I'll come and see your Tower of Babel.

To which Mr. Biss replied :—

Any time, when the weather's fair,
I will be glad to see you there.

second part, the said John Pemberton of the third part, and the said Thomas Wilkinson of the fourth part, so as the estates, intents, and purposes, powers, provisors, limitations, and agreements are agreeable to the nature and consistent to the custom of the manor of Houghton, of which the same is parcel. On the 23rd September, 1777, the said Thomas Wilkinson, who had survived the said John Pemberton, and Anthony Howlding and Mary his wife, surrendered to William Dawson, of Grindon, in the parish of Bishopwearmouth, yeoman, all the same premises and by the same description. To have to the said William Dawson, and his sequels in right, according to the custom of the court, rendering, &c. And he was thereupon admitted tenant. Defeazanced upon condition that if the said Anthony Howlding, and Mary his wife, or either of them, their or either of their heirs, executors, or administrators, should pay unto the said William Dawson, his executors, administrators, or assigns, the sum of £500, with interest, then the said William Dawson would surrender the said premises unto the said Anthony Howlding and Mary his wife, and their sequels in right, at his, her, or their costs and charges. March 2, 1779, Anthony Howlding and Mary his wife surrendered to Henry Ladler, of the city of Durham, gentleman, all the same premises and by the same description. To have to the said Henry Ladler, and his sequels in right, according to the custom of the court, rendering, &c. And he was thereupon admitted tenant. Defeazanced in the first place for securing to the said William Dawson the sum of £500 by surrender of 23rd September, 1777. In the next place, for will of Mary Howlding, and in default thereof in trust for her sequels

in right. And it was also thereby declared that the said Henry Ladler should receive the rents and profits of the said premises during the natural life of the said Anthony Howlding, and to pay the interest of the said £500 to the said William Dawson, and from time to time to pay the surplus of the said rents and profits to the said Mary Howlding, and her receipt to be a sufficient discharge. On the 20th November, 1783, a surrender was executed by the said Anthony Howlding and Mary his wife, and Henry Ladler, to John Walton Elliot, of Gainford, in the county of Durham, Esq., and William Hay, of Sunderland-near-the-Sea, gentleman, of all the same premises and by the same description. To have to the said John Walton Elliot and William Hay, and their sequels in right, according to the custom of the court, rendering, &c. And they were thereupon admitted tenants. Defeazanced in trust for securing to the said W. Dawson the sum of £500 by said surrender of 23rd September, 1777, and subject thereto, in trust for John Thornhill, of Thornhill, Bishopwearmouth, Esq. (who had agreed for the purchase of the said premises), by his will should direct or appoint, and in default thereof, in trust for the said John Thornhill, his heirs and sequels in right. February 9, 1788, the said William Dawson surrendered to the said John Walton Elliot and William Hay all the same premises and by the same description. To have to the said J. W. Elliot and W. Hay, and their sequels in right, according to the custom of the court, rendering, &c. And they were thereupon admitted tenants. Defeazanced in trust for the said John Thornhill, his heirs and sequels in right. On the 25th August, 1812, Christopher Thornhill Thornhill, of Thornhill, near

Bishopwearmouth, Esq. (lately called Christopher Thornhill Camm), and then of the Island of Antigua, cousin and devisee of John Thornhill, deceased, the said John Walton Elliot, who had survived the said William Hay, Charles Simpson, of Bishopwearmouth, Esq., which said J. W. Elliot and C. Simpson were the devisees and trustees under the will of the said John Thornhill, surrendered to George Wood, of Sunderland, gentleman, "All that messuage or dwelling-house known by the sign of 'The Ship,' in the Pottery Bank, with the small

DEMISE, 2d. coal-houses immediately behind the same, situate, standing, and being at the east end of Sunderland, on a quay there commonly called the Commissioners' Quay, then in the occupation of Anne Tate, Joseph Kay, and George Crowther, as tenants thereof, containing in length, from east to west at the north side thereof, twelve yards and two feet or thereabouts, and at the south side thereof eleven yards two feet ten inches, and in breadth, from north to south, ten yards and nine inches or thereabouts, be the same more or less, bounding on a messuage or tenement belonging to Christopher Thornhill Thornhill, then in the occupation of Edward Rowntree and others, on or towards the east, on another messuage or tenement belonging to the said C. T. Thornhill, in the occupation of John Brewis and William Pallister, on or towards the west, the said quay called the Commissioners' Quay, on or towards the north, and on a waste part of Sunderland Moor, on or towards the south, being part and parcel of divers messuages and tenements comprised in the surrender of 9th. February, 1788, from W. Dawson to J. W. Elliot and W. Hay in trust for John Thornhill. To have to the

said George Wood, and his sequels in right, according to the custom of the court, rendering, &c. And thereupon he was admitted tenant. Defeazanced in trust for John Taylor, of Monkwearmouth Shore, common brewer (who had purchased the same for £500), his heirs, sequels in right, and assigns". On the 18th June, 1823, the said John Walton Elliot, who had survived the said William Hay, surrendered to Maria Fisher, the wife of Joseph Fisher, late of Old Red Lion Square, Middlesex, and then of Little Braithwaite, Cumberland, Esq. (which said Maria Fisher was before her marriage with the said Joseph Fisher called Maria Camm, [but better known as Miss Thornhill,] spinster), all that piece or parcel of ground situate at the east end of Sunderland, and formerly lying between the high and low water-mark of

DEMISE, 6D. the river Wear, on part of which has been erected part of a key commonly called the Commissioners' Quay, with all houses, quays, edifices, and erections now built upon the same formerly in the possession of Edward Hincks, gentleman, and abutting upon part of a quay called the Commissioners' Quay, formerly in the possession of Stephen Shafto on the west, and on the Pier on the east, and all and singular the rights and appurtenances to the said premises belonging or appertaining (save and except such part of the said piece or parcel of ground and the erections thereon as were sold and surrendered by one surrender bearing date 25th August, 1812, to or in trust for John Taylor). To have to the said Maria Fisher, and her sequels in right, according to the custom of the court, rendering, &c. And she was thereupon admitted tenant. And it was thereby declared that the said surrender was so made and passed

in pursuance of a declaration or direction for that purpose, contained in a certain indenture of release bearing date Jan. 1, 1820, and made between the said Christopher Thornhill Thornhill, Esq., of the one part, and the said Joseph Fisher and Maria his wife of the other part, in and by which indenture the said C. T. Thornhill, for the considerations therein mentioned or referred unto, did release all the said premises thereby surrendered unto the said Maria Fisher, and her sequels in right, for ever, freed and discharged of and from all right or equity of redemption which then was or at any time or times thereafter might be vested or subsisting in the said C. T. Thornhill, his heirs or assigns, under or by virtue of the proviso or condition of redemption contained in a certain other indenture therein recited or referred unto, bearing date May 28, 1814 (which deed is on the Court Rolls). April 8, 1826, Joseph Fisher, formerly of Staple Inn, Middlesex, but then of Keswick, Cumberland, Esq., and Maria his wife, surrendered by the second of two surrenders, to William Sisson, late of the city of Carlisle, but then of Ormside, Westmoreland, Esq., Philip Camm, of Great Surrey Street, Surrey, Esq., Thomas Fisher, of Roche, Cornwall, clerk, and James Philip Bult, of Cheapside, London, Esq., all the premises comprised in the surrender of June 18, 1823, and by the same

DEMISE, 6D. description. To have to the said William Sisson, Philip Camm, Thomas Fisher, and James Philip Bult, and their sequels in right, according to the custom of the court, rendering, &c. And they were thereupon admitted tenants. Defeazanced, in pursuance of and upon the trusts, and to and for the intents and purposes mentioned, expressed, declared, or

referred to, of or concerning the same premises, in and by a certain indenture of settlement, bearing even date with the said surrender, and made between the said Joseph Fisher and Maria his wife, of the one part, and the said W. Sisson, Philip Camm, Thomas Fisher, and James Philip Bult, of the other part.

As to other part of Quays &c. late Sir William Middleton's and afterwards John Thornhill's.

August 17, 1762, two surrenders were executed by Rev. Henry Waistell and John Rosamon, to John Thornhill of Sunderland, coalfitter. 1. All that large quay or wharf situated at the east end of Sunderland, commonly called the New Key, bounded on the west

DEMISE, 4d. by a Key or Wharf called the Partnership Key, and on the east by a Key or Wharf called the Commissioners' Key, and by the high and low water-marks of the River Wear on the south and north, and all buildings and erections thereupon erected with the appurtenances, being part of premises in two surrenders to Waistell and Rosamon of 27th May, 1760.

2. One moiety (the whole in two parts to be divided) of all that Key or Wharf situated at the east end of Sunderland, commonly called or known

DEMISE, 4d. by the name of the Partnership Key, bounded by a Key or Wharf and messuages formerly belonging to Mary Ridley, widow, deceased, and then to Mr. Ettrick on the west, on a large Key or Wharf commonly called the New Key, late belonging to Sir William Middleton, Bart., deceased, and then sold to John Thornhill on the east, and by the high and low

water-marks of the River Wear on the south and north, and of all buildings and erections thereupon made, with the appurtenances, being part and parcel of certain premises in two surrenders to Waistell and Rosamon, 27th May, 1760. To have to the said John Thornhill and his sequels in right, according to the custom of the court, rendering &c. And he was thereupon admitted tenant absolute.

As to other part late Shafto's.

August 17, 1762, the said Henry Waistell and John Rosamon, surrendered to Mary Shafto, of Sunderland, widow, all that part of a certain Key or Wharf situated at the east end of Sunderland, commonly DEMISE, 4d. called the Commissioners' Key, which was late in the possession of Stephen Shafto, gentleman, deceased, bounded on the east by the other part of the said Key called the Commissioners' Key lately purchased by Edward Hincks, gentleman, on the west by a large Key called the New Key, and on the south and north by the high and low water-marks of the River Wear, with all buildings and erections thereupon made, with the appurtenances, being part of certain premises in two surrenders to Waistell and Rosamon, 27th May, 1760. To have to the said Mary Shafto and her sequels in right, according to the custom of the court, rendering &c. And she was thereupon admitted tenant absolute. On 27th September, 1762, the said Mary Shafto surrendered to the said John Thornhill, all the premises comprised in the surrender of 17th August, 1762, to the said Mary Shafto, and by the same descrip-

tion. To have to the said John Thornhill and his sequels in right according to the custom of the court, rendering &c. And he was thereupon admitted tenant absolute. On the 27th September, 1762, John Thornhill surrendered (by three surrenders) to Christopher Storey, of Stockton-upon-Tees, common brewer, all the premises contained in the two surrenders to J. Thornhill of 17 August, 1762, and by the same descriptions. To have to the said Christopher Storey and his sequels in right according to the custom of the court, rendering &c. And he was thereupon admitted tenant. Defeazanced in trust and for such uses as the said John Thornhill should by will appoint, and in default thereof in trust for the said John Thornhill, his heirs, sequels in right and assigns.

As to other part late Sir William Middleton's, and afterwards John Thornhill's.

February 19th, 1763, three surrenders were executed by the Rev. Henry Waistell and John Rosamon to John Thornhill.

1. One moiety (the whole in two parts to be divided) of a certain parcel of land lying in the parish of Sunderland-near-the-Sea, between a meet called the high water-

DEMISE, 4D. mark and a meet called the low water-mark of the river Wear, on the south side of the said river, abutting upon a tenement and wharf to the same belonging called Bowes's Key, formerly in the tenure of Mary Ridley, widow, on the west, and a certain rock there called the Nab End, and premises comprised in the fourth surrender of Nov. 11, 1737.

2. One moiety (the whole in two parts to be divided)

called the high water-mark and the meet called the low water-mark of the river Wear, on the south side of the said river, abutting upon a tenement and wharf to the same belonging, called Bowes's Key, formerly in the tenure of Mary Ridley, widow, on the west, and a certain rock there called the Nab End. To have to the said William Hugall, and his sequels in right, according to the custom of the court, rendering, &c. And he was thereupon admitted tenant. Defeazanced to the use of the said W. Hugall, and his sequels in right, in trust and upon condition that he, the said W. Hugall, his heirs and sequels in right, should yearly and every year, by and out of the rents, issues, and profits of the said premises, receive and take the clear yearly sum of £10, freed and discharged from all taxes whatsoever, and pay the same by two even half-yearly payments, first payment to begin and be made at the end of six calendar months next after the date thereof, to such person or persons as should from time to time be nominated and appointed by the said John Thornhill, during the term of his natural life, to be curate of the chapel lately erected within the town and parish of Sunderland-near-the-Sea, aforesaid, or in case of the death of the said John Thornhill before the expiration of the term of 21 years next ensuing the date of the said surrender, then such person or persons as should from time to time be named and appointed by the executors or administrators of the said John Thornhill to be curate of the said chapel, for and during the remainder of the said term of 21 years, which should be to come and unexpired at the time of the death of the said John Thornhill, such person or persons to be approved from time to time by the then Lord Bishop of Durham, or his suc-

cessors, and from and immediately after the death of the said John Thornhill, or the end of the said term of 21 years, which should last happen, that the said William Hugall, his heirs and sequels in right, should at the end of the first six calendar months next after every vacancy in the said curacy, and in such manner as aforesaid, pay the said sum of £10 from time to time, to such person or persons as should be named and appointed to the said cure of the said chapel by the then Lord Bishop of Durham, and his successors for the time being. And upon further trust that when and so soon as the said John Thornhill or his heirs and sequels in right should purchase and settle upon or in trust for the use and benefit of the curate of the said chapel for the time being, for ever, freehold or copyhold lands within the county of Durham, of the clear yearly value of £40, that then the said Wm. Hugall his heirs and sequels in right should re-surrender the said moiety of the said premises to the use of the said John Thornhill, his heirs, and sequels in right, or to the use of such other person or persons as he or they should direct.

On the 28th March, 1797, John Hugall, of Scarborough, in the county of York, gentleman, only surviving brother and heir of the said William Hugall, deceased, was admitted to all the premises comprised in the surrender to Wm. Hugall, of 26th Sept. 1769, and by the same description, which the said William Hugall had in right whilst he lived. To have to the said John Hugall, and his sequels in right, according to the custom of the court, rendering, &c. And he was thereupon admitted tenant thereof.

April 3, 1797, the said John Hugall, surrendered to

John Walton Elliot, of Gainford, in the county of Durham, Esq., all the aforesaid premises, together also with a moiety of all keys, wharfs, landings, erections, buildings, and appurtenances to the said parcel of land belonging. To have to the said John Walton Elliot, and his sequels in right, according to the custom of the court, rendering, &c. And he was thereupon admitted tenant. Defeazance. Reciting the defeazance to the said surrender to Wm. Hugall, of 26th Sept. 1769; also reciting that by certain articles of agreement indented, bearing date Oct. 3, 1769, and made between the Honourable and Right Rev. Father in God, Richard [Trevor] then Lord Bishop of Durham, and patron of the parish church of Sunderland-near-the-Sea, aforesaid, and the Rev. John Coxon, then rector of the said church, of the one part, and the said John Thornhill, of the other part. After reciting that the said John Thornhill had then lately erected and fitted up within the limits of the said parish, by the subscription and benefactions of himself and others, the said chapel for the celebration of divine service, according to the Liturgy of the Church of England, and intended as and for a chapel of ease to the said mother church, and to be then shortly thereafter consecrated; and after taking notice that the said John Thornhill had endowed the said chapel with the said yearly sum of £10, charged upon and issuing out of the said before-mentioned moiety of the said copyhold or customary premises; and that the yearly interest of certain benefactions and sums of money, in the said articles mentioned, and then intended to be advanced by the said John Thornhill, and to be obtained from the governors of Queen Anne's Bounty, as therein set forth, together with the said yearly sum of £10, would amount

together to the yearly sum of £40, and which was intended and thereby agreed to be settled as and for an endowment of the said chapel, and to be paid to the curate thereof for the time being: it was (amongst other things) declared and agreed between the said parties, that as soon as the said several benefactions were obtained and completed, the said John Thornhill should buy and with the said sums purchase freehold or copyhold or customary lands within the county of Durham, or in any other county adjoining, of the clear yearly value of £40, to be settled as an endowment upon the said chapel, and after the said lands should be settled for the purpose aforesaid, the said John Thornhill's moiety of the said copyhold premises at Sunderland, should be absolutely freed and discharged from the payment of the said yearly sum of £10. Also reciting that the said several benefactions and sums mentioned in the said articles were afterwards duly advanced by the said John Thornhill, and obtained from the said governors of Queen Anne's Bounty, and thereby and therewith a copyhold or customary messuage, and several fields, closes, and hereditaments with the appurtenances situate and lying in the parish of Boldon, and manor of Chester, in the said county of Durham, and of the clear yearly value of £40 and upwards, were some time since purchased, and the same last-mentioned premises were accordingly, on the 28th day of November, 1789, duly surrendered by the proper parties to the use of the Rev. John Hampson, clerk, the then curate of the said curacy, of the said chapel of Saint John, in Sunderland, aforesaid, and settled upon him, and his successors, curates of the said curacy, for the perpetual augmentation of the said curacy, whereby the several trusts so vested in the said

William Hugall, deceased, and his heirs, had wholly ceased and become determined. And it was thereby declared that the said premises were thereby surrendered by the said John Hugall, to the said John Walton Elliot, in trust for the said John Thornhill, his heirs, sequels in right, and assigns.

John Thornhill, Esq., resided in the house at the south entrance of Sunderland market, Coronation Street, now known as the Market Hotel. He built the quay, formerly called Thornhill's Wharf or Quay, now known as the Railway Wharf. He afterwards built the mansion house of Thornhill, (now the seat of Mrs. Shakspeare Reed) near Bishopwearmouth, which takes its name from him. Mr. Thornhill was elected a stallinger May 2, 1761, and a freeman May 27, 1765. He was one of the nine freemen who at a Bylaw held at the house of James Martin, innkeeper, Sunderland, conceded to a claim made by Messrs. John Nesham and Mark Burleigh, to a right of way to their lands, &c., in Nesham Square and Burleigh Street, by the south side of the church yard, on the ground that they, the claimants, had anciently enjoyed a right of road that way; and the grassmen were instructed to set out a road for the applicants' use, care to be taken to do as little damage as possible to the herbage of the Town Moor belonging to the freemen and stallingers.

Mr. John Thornhill built a commodious covered fish market, with a large stone basin in the centre, for the purpose of washing the fish, upon part of his copyhold; but the dealers in fish refused to leave their market on Ettrick's Quay to occupy it; this rendered Mr. Thornhill's market valueless, and it was pulled down.

In the year 1790, Mr. Thornhill built a wall at the

west end of his copyhold quay, adjoining Hardcastle's slipway, and prevented the inhabitants from passing and repassing there ; this wall was several times rebuilt by Mr. Thornhill, but always more quickly pulled down by Mr. Thomas Hardcastle, senior, and his workmen ; from which the common saying arose, "The wall that Jack built, and Tom pulled down again." The assailants, however, ultimately proved victorious, and the obstruction was entirely removed. The public are now indebted to Mr. Thomas Hardcastle for the free passage at Hardcastle's slipway.*

Mr. Thornhill, in the latter part of his life, was appointed a magistrate for the county of Durham, but his appointment was virtually cancelled by William Ettrick, Esq., of High Barns, then chairman of the Sunderland bench, who considered him an improper person to hold that important office, and refused to act with him in that capacity. Mr. Thornhill died at his seat, Thornhill, Bishopwearmouth, on the 27th June, 1802, in the 83rd year of his age, and was buried on the 2nd July, in a vault made expressly for the purpose, under the altar of St. John's Chapel, which splendid edifice of the national church he was the principal in building and partly endowing.

On the 20th March, 1783, John Thornhill, of Thorn-

* Before wharfs or cranes were much in use, Mr. Caleb Wilson, grandfather of Messrs. Joshua Wilson and Brothers, merchants, Sunderland, regularly rolled his casks of tallow down Hardcastle's slipway for exportation to other ports, for at that time more tallow was produced at Sunderland than could be consumed. At this date (1857), notwithstanding the general use of gas, tallow is imported for the supply of the town.

hill, Esq., surrendered (by three surrenders) to the above-named John Walton Elliot, all the premises in the three surrenders of 19th February, 1763, and by the same descriptions. To have to the said John Walton Elliot, and his sequels in right, according to the custom of the court, rendering, &c. And he was thereupon admitted tenant. Defeazance subscribed to each of the said three surrenders declaring that the premises therein comprised were thereby surrendered to the use of the said John Walton Elliot, and his sequels in right, upon such trusts as the said John Thornhill by his last will and testament in writing should direct or appoint, and in default thereof, in trust for the said John Thornhill, his heirs, sequels in right, and assigns.

February 18, 1790, two surrenders were executed by the said John Thornhill and John Walton Elliot, to William Russell, of Newbottle, in the county of Durham, Esq. 1st. One parcel of ground with the appurtenances, lying in the parish of Sunderland-near-the-Sea, at the east end of the town of Sunderland, between the high and low water-marks of the river

DEMISE, 6D. Wear, on the south side of the said river, abutting upon a certain parcel of copyhold or customary land and a key or wharf thereunto belonging, called by the name of the New Key or Partnership Key, then belonging to John Thornhill, Esq., and Mr. Thomas Hardcastle, on or towards the west, and upon the west end of a certain other piece or parcel of copyhold or customary land and a rock formerly called the Nab End, upon which a key or wharf was theretofore erected and made and called the Commissioners' Key, on or towards the east, which said piece or parcel of land

contains in length from east to west 151½ yards or thereabouts, little more or less, then called by the name of the New Key or Thornhill's Wharf; and also all and singular messuages, dwelling houses, warehouses, shops, and other houses, edifices, and buildings, wharfs, keys, slips, landing places, and other hereditaments, erected, built, or made upon the said parcel of ground or any part thereof. 2. One undivided moiety, (the whole in two parts to be divided) of a certain parcel of land lying in the parish of Sunderland-near-the-Sea, at the east end of the town of

Sunderland, between the high and low DEMISE, 6D. water-marks of the river Wear, on the south side of the said river, abutting upon a tenement and a key or wharf to the same belonging, formerly called Bowes's Key or Ridley's Key, and then called the Low Key, formerly in the tenure of Mary Ridley, widow, and then in the tenure of John Stafford, Esq., on or towards the west, and upon the west end of a certain copyhold or customary tenement and a key or wharf to the same belonging, called the New Key or Thornhill's Wharf on or towards the east, which said premises whereof one moiety contains in length from west to east 50 yards or thereabouts, little more or less, and were then called by the name of the New Key or Partnership Key; and also one undivided moiety (the whole in two parts to be divided) of all and singular houses, shops, edifices, and buildings, wharfs and keys, erected, built, and made upon the said parcel of land or any part thereof. To have to the said William Russell, and his sequels in right, according to the custom of the court, rendering &c. And he was thereupon admitted tenant. Defeazanced upon condition that if the said John Thornhill, his heirs,

sequels in right, executors, administrators or assigns, should pay or cause to be paid to the said William Russell, his executors, administrators, or assigns, the full sum £2,500 with interest for the same on the 18th August then next, the said W. Russell would resurrender the said premises to the said John Thornhill, his heirs, sequels in right, and assigns, or as he or they should direct.

On the 14th May, 1804, two surrenders were executed by Christopher Thornhill Thornhill (lately called Christopher Thornhill Camm), then of the Island of Antigua, the cousin and devisee named in the last will and testament of the said John Thornhill, deceased, the said William Russell, late of Newbottle and then of Brancepeth Castle, Esq., and the said John Walton Elliot, and Charles Simpson, of Bishopwearmouth, Esq., the devisees, trustees, and executors of the said John Thornhill, deceased, to William Ettrick, of High Barns, in the county of Durham, Esq., of all the premises comprised in the two surrenders to W. Russell, 18th Feb., 1790, and by the same descriptions. To have to the said William Ettrick, and his sequels in right, according to the custom of the court, rendering, &c. And he was thereupon admitted tenant. Defeazanced upon condition that if the said C. T. Thornhill, his heirs, executors, administrators, or assigns, should pay to the said William Ettrick, his executors, administrators, or assigns, the principal sum of £2,000, then the said William Ettrick would re-surrender the said premises to the said C. T. Thornhill, his heirs or assigns.

August 24, 1812, the Rev. William Ettrick, of High Barns, aforesaid, clerk, only son and heir of William Ettrick, Esq., deceased, was admitted (by two admittances)

to all the premises in the two surrenders of 14th May, 1804, and by the same description, which the said William Ettrick the father had in right whilst he lived. To have to the said William Ettrick, the son, and his sequels in right, according to the custom of the court, rendering, &c. And he was thereupon admitted tenant.

As to premises formerly belonging to John Thornhill, afterwards to John Taylor, and now to Messrs. Thomas Wood and David Jonassohn.

August 25, 1812, the said Christopher Thornhill Thornhill, and the said William Ettrick, surrendered to George Wood, of Sunderland-near-the-Sea, gentleman, all those three messuages, tenements, or
DEMISE, 3d. dwelling-houses adjoining each other, situate and being in Sunderland-near-the-Sea aforesaid, on a certain key or wharf there called Thornhill's key or wharf, then in the several occupations of Robert Shout, innkeeper, Thomas Williamson, running-fitter, Mrs. Jane Williamson, innkeeper, and their under tenants, and two of which were then used as public-houses, and known by the respective names or signs of "The Custom-house Coffee House," and "The Wharf Tavern," bounding on a warehouse and part of the said key or wharf, on and towards the west and north, and on buildings and waste ground belonging to C. T. Thornhill on or towards the south; and also all that other messuage tenement or dwelling-house situate in Sunderland aforesaid, in a certain street or place there called the Long Bank, then in the possession of Thomas Tiffin and others as tenants, also now used as a public-house, and known

by the name or sign of "The Ship Sceptre," bounding on ground now used as a shipbuilder's yard on or towards the east, the Long Bank on or towards the west, a messuage in the occupation of Philip Wilson and others, belonging to the said C. T. Thornhill, on or towards the north, and on waste ground belonging to the said C. T. Thornhill on or towards the south, being part of premises in the first of the said two surrenders of 14th May, 1804. To have to the said George Wood, and his sequels in right, according to the custom of the court, rendering, &c. And he was thereupon admitted tenant. Defeazanced in trust for John Taylor, of Monkwearmouth Shore, common brewer, who had purchased the said premises for £3,000, his heirs, sequels in right, and assigns.

September 15th, 1812, the said John Taylor and George Wood surrendered (by two surrenders) to the Rev. William Ettrick, of High Barns, clerk, 1st. The premises comprised in the surrender to George Wood in trust for John Taylor, by surrender of 25th August, 1812, (see p. 152) and by the same description. 2. The premises in the surrender to George Wood in trust for John Taylor, and last above-named, and by the same description. To have to the said William Ettrick and his sequels in right, according to the custom of the court, rendering &c. And he was thereupon admitted tenant. Defeazanced upon condition that if the said John Taylor his heirs, executors, administrators, or assigns, should pay to the said W. Ettrick, his executors, administrators, or assigns, the sum of £2,000 on the 15th March then next ensuing, then in that case the said W. Ettrick would resurrender the said premises to the said John Taylor, his heirs, sequels in right, or assigns.

August 5, 1815, two surrenders were executed by the said John Taylor, John Givens, of Monkwearmouth, yeoman, William Stobart, of Picktree, gentleman, and Robert Watson Darnell, of Monkwearmouth, gentleman, to John Lotherington, of Bishopwearmouth, gentleman, of all the premises in the two surrenders to W. Ettrick of Sept. 15, 1812, and by the same descriptions. To have to the said John Lotherington, and his sequels in right, according to the custom of the court, rendering &c. And he was thereupon admitted tenant. Defeazanced to the use of the said John Lotherington, and his sequels in right, (subject to the raising and paying to the said W. Ettrick, the sum of £2,000 secured by the said surrenders of 15th Sept. 1812), upon the trusts and subject to the powers and provisos contained in an indenture of even date between the said John Taylor of the first part, the said John Givens, William Stobart, and R. W. Darnell of the second part, and the said John Lotherington of the third part, in and by which said indenture and a bond therein referred to, the annuity or yearly sum of £118 15s. 0d. was secured and made payable to the said John Lotherington, for and during the natural life of John Stote Lotherington son of the said John Lotherington, as well by and out of certain freehold premises situate in Sunderland aforesaid, as by and out of the premises comprised in the said two surrenders, the consideration or purchase money for such annuity being £1,000.

April 14, 1836, the said Rev. William Ettrick and John Lotherington surrendered (by two surrenders) to Armorer Donkin, of Newcastle-upon-Tyne, gentleman, all the premises, comprised in the two surrenders of Aug. 5, 1815, to J. Lotherington, and by the same descriptions.

To have to the said Armorer Donkin, and his sequels in right, according to the custom of the court, rendering &c. And he was thereupon admitted tenant. De-feazanced to the use of the said A. Donkin, and his sequels in right, in trust for Jane Darnell, of Harewood Hill, in the county of Durham, widow, her executors, administrators, or assigns, in pursuance of a certain indenture of release and assignment bearing even date with the said surrenders, and made between the said William Ettrick, of the first part, John George Boss therein described of the second part, the said John Lotherington of the third part, the said Jane Darnell of the fourth part, and the said Armorer Donkin of the fifth part, and for securing to the said Jane Darnell, her executors, administrators, and assigns, the payment of a certain mortgage debt of £2,000, and an annuity of £118 15s. 0d. theretofore respectively secured to the said W. Ettrick and John Lotherington, and which with the securities for the same have been transferred by them to the said Armorer Donkin, his executors, administrators, and assigns, in trust for the said Jane Darnell, her executors, administrators, and assigns, subject to such right and equity of redemption as did then exist under the same premises.

On the 10th February, 1842, two surrenders were executed by and from the said Armorer Donkin, Jane Darnell, Robert Mowbray Darnell, Henry Stobart, Edward Hall Campbell, Joseph Shevill, Alexander Kirkaldy, and David Jonassohn, Thomas Wood, and Thomas Robson, all of the borough of Sunderland, merchants, to William Sisson, of Ormside, Westmoreland, Esq., Philip Camm, of Great Surrey Street, Surrey, Esq., the Rev. Thomas Fisher, late of Roche, Cornwall, but then rector

of Somerset, and James Philip Bult, of Cheapside, in the city of London, goldsmith, of all the premises in the two surrenders to Armorer Donkin, 14th April, 1836, and by the same descriptions. To have to the said William Sisson, Philip Camm, Thomas Fisher, and James Philip Bult, and their sequels in right according to the custom of the court, rendering &c. And they were thereupon admitted tenants. Defeazanced in trust nevertheless for the said David Jonassohn, Thomas Wood, and Thomas Robson, their respective heirs, sequels in right, and assigns as tenants in common.

As to portion late Thornhill's, and now belonging to Mr. and Mrs. Fisher.

August 2, 1814, the Rev. William Ettrick surrendered, by the first of three surrenders, to Christopher Thornhill Thornhill, "one parcel of ground, with the appurtenances, lying in the parish of Sunderland-near-the-
 DEMISE, 6D. Sea, at the east end of the town of Sunderland aforesaid, between the high and low water-marks of the river Wear, on the south side of the said river, abutting upon a certain parcel of copyhold or customary land, and a key or wharf thereunto belonging, called by the name of the New Key, or Partnership Key, late belonging to John Thornhill, Esq., and Mr. Thomas Hardcastle, on or towards the west, and upon the west end of a certain other piece or parcel of copyhold or customary land and a rock formerly called the Nab End, upon which a key or wharf was heretofore erected and made, called the Commissioners' Key, on or towards the east, which said parcel of ground and pre-

mises contain in length, from east to west, 151½ yards or thereabouts, a little more or less, and are now or lately were called by the name of the New Key or Thornhill's Wharf, and also all and singular messuages, dwelling-houses, warehouses, shops, and other houses, edifices, and buildings, wharfs, quays, slips, landing places, and other hereditaments, erected, built, or made upon the said parcel of ground or any part thereof (save and except all such part and parts of the said premises as have been sold and surrendered to or in trust for John Taylor by a surrender dated 25th August, 1812). To have to the said Christopher Thornhill Thornhill, and his sequels in right, according to the custom of the court, rendering &c. And he was thereupon admitted tenant. Defeazance to the third surrender, freed and discharged from the payment of the principal sum of £3,000 heretofore secured on the said premises and other premises, and all interest due in respect thereof."

In the year 1809, Christopher Thornhill Thornhill, Esq., placed a gate across the copyhold part of the Pottery Bank, contending that it was a private carriage road to his wharf. The commissioners under the Sunderland Improvement Act ordered this gate to be pulled down, which was accordingly done, under the superintendence of Mr. Thomas Wilson, town surveyor, when Mr. Thornhill abandoned his claim, and left the public in quiet possession of their undoubted right of a carriage way along the whole of the copyhold property in Sunderland, from the old custom-house to the dock entrance, and which no one can legally deprive them of, cover, or obstruct.

August 4, 1814, the said Christopher T. Thornhill

surrendered, by the first of three surrenders, to Maria Camm, spinster, all the premises comprised in the surrender of Aug. 2, 1814, and by the same description. To have to the said Maria Camm, and her sequels in right, according to the custom of the court, rendering, &c. And she was thereupon admitted tenant. Defeazanced to the use of the said Maria Camm, and her sequels in right, in pursuance of a certain indenture of release, dated May 28, 1814, and made between the said C. T. Thornhill of the one part, and the said Maria Camm of the other part, of and concerning divers freehold hereditaments in the said indenture mentioned, and subject to a proviso or condition for the redemption as well of the said freehold hereditaments as of the said copyhold premises in the said indenture contained, for securing to the said Maria Camm £20,000 and interest, as in said indenture mentioned.

April 8, 1826, two surrenders were executed by Joseph Fisher, formerly of Staple Inn, Middlesex, and then of Keswick, Cumberland, Esq., and Maria his wife (before her marriage with him called Maria Camm, spinster), to William Sisson, Philip Camm, Thomas Fisher, and James Philip Bult:—1. All the premises comprised in the surrender to Maria Camm of 4th Aug. 1814, and last above-named, and by the same description. 2. All the premises in the surrender of 18th June, 1823, to Maria Camm (see p. 153) and by the same description. To have to the said William Sisson, Philip Camm, Thomas Fisher, and James Philip Bult, and their sequels in right, according to the custom of the court, rendering &c. And they were thereupon admitted tenants. Defeazanced in pursuance of and upon the trusts mentioned, expressed

or declared, of and concerning the same premises in and by a certain indenture of settlement bearing even date with the said surrenders, and made between the said Joseph Fisher and Maria his wife of the one part, and the said William Sisson, Philip Camm, Thomas Fisher, and James Philip Bult of the other part.

As to other part of Thornhill's copyhold, now belonging to Thomas Oswald.

On the 2nd August, 1814, the Rev. William Ettrick surrendered, by the second of three surrenders, to Christopher Thornhill Thornhill, "one undivided moiety (the whole in two parts to be divided) of a certain parcel of land lying in the parish of Sunderland-

DEMISE, 6D. near-the-Sea, at the east end of the town of Sunderland aforesaid, between the high and low water-marks of the river Wear, on the south side of the said river, abutting upon a tenement, and a quay or wharf to the same belonging, formerly called Bowes's Key or Ridley's Key, and then called the Low Key, formerly in the tenure of Mary Ridley, widow, and then or late in the tenure of John Stafford, Esq., on or towards the west, and upon the west end of a certain copyhold or customary tenement, and a quay or wharf to the same belonging called the New Quay or Thornhill's Wharf on or towards the east, which said premises, whereof one moiety contain in length from west to east 50 yards or thereabouts, a little more or less, and called by the name of the New Key or Partnership Key, and also one undivided moiety (the whole in two parts to be divided) of all and singular houses, shops,

edifices, and buildings, wharfs and quays erected, built or made upon the said parcel of land or any part thereof." To have to the said C. T. Thornhill and his sequels in right, according to the custom of the court, rendering &c. And he was thereupon admitted tenant. Defeazanced freed and discharged from the payment of the principal sum of £3,000 heretofore secured to the said W. Ettrick, his executors, administrators, or assigns.

August 4, 1814, by the second of three surrenders, the said C. T. Thornhill surrendered to Maria Camm, spinster, all the last above-mentioned premises, and by the same description. To have to the said Maria Camm and her sequels in right, according to the custom of the court, rendering &c. And she was thereupon admitted tenant. Defeazanced to the use of the said Maria Camm and her sequels in right in pursuance of a certain indenture of release, dated May 28, 1814, and made between the said C. T. Thornhill of the one part, and the said Maria Camm of the other part, of and concerning divers freehold hereditaments in the said indenture mentioned, and subject to a proviso or condition for the redemption as well of the said freehold hereditaments as of the said copyhold premises in the said indenture contained, for securing to the said Maria Camm £20,000 and interest, as in said indenture mentioned.

February 19, 1825, the said Joseph Fisher and Maria his wife (late Maria Camm, spinster) surrendered to Philip Laing and Ralph Laws, all the premises comprised in the surrender of 4th Aug., 1814, and by the same description. To have to the said Philip Laing and Ralph Laws, and their sequels in right, according to the custom of the court, rendering &c. And they were thereupon

admitted tenants. Defeazance. Reciting the said surrender of Aug. 4, 1814 ; also reciting that the said Maria Camm intermarried with the said Joseph Fisher in the month of March, 1818 ; also reciting that by indenture dated Nov. 19, 1819, the said C. Thornhill Thornhill did for a full and valuable consideration grant and release his right and equity of redemption and all other his estate and interest of and in the said moiety and premises unto the said Maria Fisher and her heirs for ever ; and also reciting that Jane Oswald, of Deptford, Kent, widow, had lately agreed with the said Joseph Fisher and Maria his wife for the absolute purchase of the said moiety and premises for £245 ; and it was thereby declared that the said moiety and premises were so surrendered to the use of the said Philip Laing and Ralph Laws, and their sequels in right, in trust for the said Jane Oswald, her heirs sequels in right and assigns.

April 20, 1848, two surrenders were executed by and from Thomas Oswald, of Lewisham, in Kent, eldest son and heir of the said Jane Oswald, and Philip Laing, who had survived the said Ralph Laws, to Richard Rhodes, of Greenwich, Kent, Esq. :—1. All the premises comprised in the surrender of 19th February, 1825, and by the same description. 2. All the premises in the surrender of July 1, 1828, to Philip Laing (which see), and by the same description. To have to the said Richard Rhodes and his sequels in right, according the custom of the court, rendering &c. And he was thereupon admitted tenant. Defeazanced to the use of the said Richard Rhodes, and his sequels in right, in pursuance of a covenant contained in an indenture of even date with the said surrenders, and made between the said Thomas Oswald of the one part,

and the said Richard Rhodes of the other part, subject to the proviso or condition for redemption of the said premises by the said Thomas Oswald, his heirs, executors, administrators, or assigns, on payment to the said Richard Rhodes, his executors, administrators or assigns, of the sum of £500 and interest as therein mentioned.

As to quays, wharfs, &c., formerly belonging to William Ettrick, afterwards to Benjamin Hodgkin, then to Thomas Hardcastle, and now to Thomas Oswald.

On the 23rd November, 1751, William Ettrick, Esq., of High Barns, surrendered by two surrenders, to Benjamin Hodgkin, Esq., 1. A moiety (the whole in two parts to be divided) of a certain parcel of land lying in the parish of Sunderland-near-the-Sea, between the meet called the high water-mark and the meet called the low water-mark of the river Wear, on the south side

of the said river, abutting upon a tenement and wharf to the same belonging, called Bowes's Key, formerly in the tenure of Mary Ridley, widow, on the west, and a certain rock there called the Nab End on the east. 2. A moiety (the whole in two parts to be divided) of a parcel of waste

land with the appurtenances, lying in the

parish of Sunderland-near-the-Sea, upon the east end of the village of Sunderland, near the river or water of Wear, on the south side of the same, abutting upon a tenement and a certain parcel of waste ground to the same tenement belonging, formerly in the possession of Mary Ridley, widow, on the west, extending itself from the meet called

the high water-mark, to the meet called the low water-mark, on the south and north, and so far as the said river or water extends itself and runs from the west towards the east. To have to the said Benjamin Hodgkin, and his sequels in right, according to the custom of the court, rendering &c. And he was thereupon admitted tenant. Defeazance subscribed to the second of said two surrenders declaring that no premises were intended to pass by the said two surrenders except the said W. Ettrick's moiety or half part of one key or wharf, then called or known by the name of the New Key, otherwise the Partnership Key, abutting upon a key called Ridley's Key or Bowes's Key on or towards the west, and a key belonging to Sir William Middleton, Bart., on or towards the east, which was so surrendered as aforesaid upon condition that if the said W. Ettrick, his heirs, sequels in right, executors, administrators, or assigns, should pay to the said Benjamin Hodgkin, his executors, administrators, or assigns, the sum of £100, with legal interest for the same, then upon such payment the said Benjamin Hodgkin would re-surrender the said premises to the said W. Ettrick and his sequels in right.

May 27, 1752, by two surrenders, William Ettrick, Esq., William Ettrick, gentleman [afterwards well-known as Justice Ettrick], son and heir-apparent of the said William Ettrick, William Coxon, and Benjamin Hodgkin, gent., surrendered to John Dixon, of the city of Durham, gentleman, all the same premises as in the two surrenders of Nov. 23, 1751, and by the same description. To have to the said John Dixon, and his sequels in right, according to the custom of the court, rendering &c. And he was thereupon admitted tenant. Defeazance sub-

scribed to the second of said two surrenders declaring that it was agreed that no premises were intended to be passed except the said William Ettrick's moiety or half part of one key or wharf then called or known by the name of the New Key, otherwise the Partnership Key, abutting upon a key called Ridley's Key or Bowes's Key, on or towards the west, and a key belonging to Sir William Middleton, Bart., on or towards the east.

February 10, 1760, Tabitha, the wife of Christopher Johnson, gentleman, sister and heir at law of John Dixon, late of the city of Durham, gentleman, deceased, was admitted to all the premises in the first of two surrenders of Nov. 23, 1751, to Benjamin Hodgkin, and by the same description, and in the second surrender of May 27, 1752, which the said John Dixon had in right whilst he lived. To have to the said Tabitha Johnson, and her sequels in right, according to the custom of the court, rendering &c. And she was thereupon admitted tenant.

December 20, 1780, the said Tabitha Johnson was admitted to all the premises comprised in the second of two surrenders of 23rd Nov. 1751, to Benjamin Hodgkin, and in the first of two surrenders of May 27, 1752, to John Dixon, and by the same description, which the said John Dixon had in right whilst he lived. To have to the said Tabitha Johnson, and her sequels in right, according to the custom of the court, rendering &c. And she was thereupon admitted tenant.

Benjamin Hodgkin (not Hoskins as his name is erroneously spelled in Sir Cuthbert Sharp's Memoir of Brass Crosby, p. 4) mentioned above, was the second son of Mr. Joseph Hodgkin (who was born at Sunderland, June 1670, married at Durham, 1701-2, died June, 1754),

and grandson of Thomas Hodgkin, of Sunderland, who, at a Bylaw of the freemen, held June 19, 1708, was elected, first a stallinger, in the place of Johnson Snowdon,* deceased, and then a freeman in the place of Ralph Nicholson,† deceased.‡

Of the early life of Benjamin Hodgkin, we have not been able to gather any account, suffice it to say that he served his clerkship to be an attorney, in which profession he rose to great eminence. It is worthy of remark that both Brass Crosby (born at Stockton) and Sir William Leighton (a native of Sunderland), the only two Lord Mayors (the former of whom was elected chief magistrate of the city in Nov. 1770 and the latter in 1806) of London certainly known to be furnished by the county of Durham, were his clerks. He resided in the house at the foot of Hodgkin Street (which derives its name from his family), No. 63, High Street, Sunderland, and married Elizabeth, one of the daughters of John Hodgshon,§ one of the freemen (see p. 117) and a coal-fitter, of Sunderland, son of Anthony Hodgshon (by his wife Catharine, one of the seven daughters of Richard Spenceley),

* At a Bylaw held Nov. 16, 1704, Johnson Snowdon was elected a stallinger in the place of Thomas Robinson who was that day elected first a stallinger in the place of George Bryan, resigned, and then a freeman, in the place of William Hincks, deceased.—*Freemen's Election Book*.

† At a Bylaw held Oct. 2, 1703, Ralph Nicholson was elected a freeman, in the place of Ralph Adamson, deceased.—*Freemen's Election Book*.

‡ *Freemen's Election Book*.

§ Catharine another daughter of John Hodgshon (who was buried at Bishopwearmouth, 13th Jan. 1727-8, aged 27), married Richard

one of the freemen, and a butcher of Sunderland, who, with others, were at a Court Baron held in 1681, "for selling their bulls unbaited to the damage of the liege people, and against the form of the statute, &c. find 39s. 11d."*

Benjamin Hodgkin was sometime solicitor to the freemen and stallingers of Sunderland, and acting under their instructions, he brought a posse of constables and others from Durham, for no one could be found in Sunderland to undertake the dirty job, to prevent the bleaching and drying of clothes upon the Town Moor. Mr. Hodgkin and his party commenced to take up the clothes found drying thereon, but they were quickly repelled by a crowd of the inhabitants, principally women, who drove the infringers upon the public rights from the Moor under hoots and showers of stones.

After this occurrence a difference took place between Mr. Hodgkin and his quondam friends the freemen and stallingers, whereupon he ceased to be their solicitor, and shortly afterwards he commenced a suit against them in the Court of Exchequer, claiming a right in common with all the inhabitant householders of Sunderland to graze cattle upon the Town Moor. In this suit which lasted

Robinson, of Herrington, Esq. (who died without issue in May, 1749), second son of Richard Robinson, jun., of Sunderland (who at a Bylaw held Nov. 16, 1704, was elected a stallinger in the place of Gawen Noble who was then elected a freeman, see p. 139, and at a Bylaw held May 21, 1715, he was elected a freeman, see p. 117) gentleman, (by Thomasine daughter and heiress of Ralph Holme, of Bishopwearmouth, gentleman), youngest son of Richard Robinson, sen., of Middle Herrington, and 31, Church Street, Sunderland, malster, see p. 130.

* Garbutt's History of Sunderland, Appendix, p. 41.

several years,* Mr. Hodgkin was unsuccessful, and the freemen and stallingers sustained their exclusive right to the herbage. In this matter Mr. Benjamin Hodgkin was his own solicitor, it is unknown who were his counsel; but it appears by the following extracts from the ledger of Mr. Robert Dunn, of Sunderland, solicitor to the freemen and stallingers, that Mr. George Harrison, of Whitburn, great grandfather of John Harrison Aylmer, Esq., of Walworth Castle, near Darlington, Mr. Rudd, of Durham, and Mr. Fawcett, of Newcastle (the "Lawyer Fawcett" of the great Earl of Eldon's early days, and grandfather of John Fawcett, Esq., of Durham) were engaged as counsel for that self-elected corporation.

£ s. d.

" 1760 Attending on Mr. Harrison at Whitburn about filing a bill against Hodgkin, horse hire and expenses ...	0	13	4
" Drawing copies and extracts of several orders from the freemen's books to lay before Mr. Rudd [attorney-general of Durham] ...	0	13	4
" Journey to Newcastle to retain Mr. Fawcett, horse hire and expenses ...	1	7	0
" Paid Mr. Fawcett's retainer ...	1	1	0
" To his clerk ...	0	2	6

* June 17, 1776, in the Court of Exchequer the long contested cause between Benjamin Hodgkin, plaintiff, and the corporation of freemen and stallingers, and other defendants, touching the right of the soil of the Town Moor of Sunderland, was finally determined

	£	s.	d.
" 1760 Entering appearances for the defendants Carr and Mal- ing [two of the freemen]...	0	2	2
" Paid Corney's bill for seizing cattle on the Moor [proba- bly Mr. Hodgkin's], and keeping possession ...	1	7	0"

Mr. Benjamin Hodgkin was possessed of considerable property in and about Sunderland; in addition to the copyhold above-mentioned, and property in Hodgkin Street, he was, in right of his wife, owner of the Hendon House copyhold estate, now possessed by the Marchioness of Londonderry, and Mr. Christopher Bramwell.

Mr. Hodgkin died without issue, in London, whence his remains were brought to his native place for sepulture, as appears by the following monumental inscription in Sunderland church-yard :—" To the memory of Benjamin Hodgkin, Esq., who died at Islington, the 12th day of February, 1777, and was interred here the 4th of March, in the 67th year of his age." This stone is sadly dilapidated, and fast hastening to decay; it is, however to be hoped, that some kind friend will see to its restoration and preservation, in memory of the deceased, who was indeed a great man in his generation.*

in favour of the corporation; and the plaintiff's bill, after a full hearing, was dismissed upon the merits, with costs.—*Hutchinson's Durham*, ii., 522. This is a mistake: the suit, as stated in the text, was respecting the herbage only; the soil and freehold was and remained the property of the Bishop of Durham, in right of his manor or borough of Sunderland.

* Benjamin Hodgkin had an elder brother, named Samuel Hodg-

Upon a portion of this copyhold property a manure depôt was erected and built, respecting which the following minute appears in the vestry book of Sunderland church :—

“ March 17, 1765.—A large dunghill upon Ettrick’s Quay, near the fish market, being a great nuisance, the scavenger of the parish is ordered to take workmen and pull down the same, and the vestry will protect them for so doing.”

This dunghill was the property of Mr. Ettrick, who collected therein the refuse of fish &c., with which he manured his estate of High Barns. In pursuance of the order of the ancient vestry (composed no doubt at the time of the respectability of the parish of Sunderland), who appear not to have had the fear of the justice before their eyes, this monster nuisance of the last century was pulled down in the good old English and lawful way.

William Ettrick, of High Barns, Esq., better known as “ Justice Ettrick,” was the eldest son (born May 14, 1726), of William Ettrick, Esq., of that place, by Isabella, daughter of William Langley, of Etwick, in the county of Norfolk, Esq.

In the early part of his life Mr. Wm. Ettrick served as a purser in the Royal Navy; and upon succeeding to the family estate on the death of his father, June 17, 1752, he re-built the mansion house at High Barns, so

kin, who was born at Sunderland in 1703, married July, 1729, and died, leaving two daughters, Jane, who married William Killingworth (mentioned in the surrender of January 5, 1781), and Isabella, born 1731, who married ——— Robinson, by whom she had three children, who all died in the lifetime of their mother.

called from its occupying the site of the high barns of Barnes estate, of which it was anciently part and parcel.

On the 27th January, 1752, Mr. Ettrick married Catharine, daughter of Robert Wharton,* of Old Park, near Bishop Auckland, Esq., grandfather of Robert Wharton Myddleton, Esq., (previously Robert Wharton Esq.) Richard Wharton, Esq., M.P. for the city of Durham, with a short intermission from 1802 to 1820, William Lloyd Wharton, of Dryburn Lodge, Esq., &c., &c.

Mr. Ettrick's marriage was an unhappy one, and after giving birth to a son, the late Rev. William Ettrick, and a daughter, Catharine, afterwards the wife of Mr. William Buddle, of Monkwearmouth, common brewer, Mrs. Ettrick separated from her husband and left High Barns for the residence of her father at Old Park, where she died in November, 1794.

Mr. Ettrick was many years an active magistrate for the county of Durham. He was a man of independent

* Son of Thomas Wharton, M.D., descended from a younger branch of the ancient family of Wharton, of Kirby-Thore, Westmoreland. Of Winston and afterwards of Old Park. Robert Wharton was an alderman and mayor of Durham, 1729 and 1736, which city he contested at the election June 30, 1747, when the candidates were

Henry Lambton, Esq.....(returned)..... 737

John Tempest, Esq.....(returned)..... 581

Robert Wharton, Esq..... 538

Mr. Wharton died 15th March, 1752, and was buried at St. Mary's the Less, Durham.

At the time of this election Mr. Wharton was a draper in the market place, Durham, when he was taken from behind his counter by a large party of his fellow citizens who carried him to the Town Hall, where he was proposed as a candidate for the representation of the city, against the then all powerful Lambton and Tempest interest

spirit, somewhat of a humourist, but both feared and respected, and notwithstanding his eccentricities, he was possessed of great talents, and one of the best and most upright magistrates that the town of Sunderland or the county of Durham ever produced. He lived very privately at High Barns, and kept little company, his only domestic servant was a female named Alice Champerley, who was occasionally assisted in her household work by the

for nearly a century known in Durham as the "old interest." The respectable position he occupies upon the poll shows that he enjoyed the esteem of his brother freemen.

A song was printed at this election in praise of Mr. Wharton entitled "Up with the Yard-wand and down with the Coal Pits," praising Mr. Wharton's yard-wand above the coal-pits of his opponents, Messrs. Lambton and Tempest.

The Wharton family were always opposed to the "old interest" in the city, and their influence was always given in opposition to it in support of different candidates, including Major Gowland, Mark Milbanke, Esq., &c. After a six days' contest Richard Wharton, Esq., barrister-at-law, grandson of Mr. Robert Wharton, was declared duly elected as one of the representatives of the city on the 24th of July, 1802. The candidates were

Ralph John Lambton, Esq., of Lumley Park (returned) 531

Richard Wharton, Esq., of Old Park .. (returned) 517

Michael Angelo Taylor, Esq., of Durham,
[brother-in-law of Sir Henry Vane Tem-
pest, Bart., M.P.] 498

At this election Mr. Richard Wharton polled 409 plumpers, who are still remembered by the conservatives of the city as "the glorious four hundred and nine."

Mr. Wharton resigned his seat for the city and contested the county of Durham on the conservative interest in 1820, in opposition to the late Earl of Durham, then Mr. Lambton. In this contest Mr. Wharton was not successful.

wife of her master's hind. Mrs. Buddle his only daughter generally resided with him, but he was upon unfriendly terms with his son, the late Rev. William Ettrick for many years, to whom he made no allowance, and left him to subsist upon the small income derived from his livings (he being rector of Turners Piddle and vicar of Aff Piddle, in Dorsetshire). At that time the justice intended to leave the Rev. W. Ettrick nothing, but finding legal difficulties in the way of disinheriting him of his real estate, he also left him the whole of his personal estate, subject to trifling annuities to Alice Champerley and his hind, and Mrs. Buddle to whom he wished to leave his all he left nothing : but this was honourably compensated for by the Rev. Wm. Ettrick, who settled upon his sister (who had no children), £300 per year for her life.

A short time before the death of Mr. Ettrick, Mrs. Buddle, with his consent journeyed to her brother's residence in Dorsetshire, and brought back with her to High Barns, Master William Ettrick, her eldest nephew (now deceased) and others his brothers and sisters : the children were very kindly received by their grandfather, and remained with him until his death.

Some rather amusing anecdotes are known of Mr. Ettrick. " One day, coming to town upon magisterial duty, he observed a crowd of people surrounding one man, and gazing at him very intensely. He enquired who he was ; upon being informed he was a great boxer come to town, he thought proper to send him a challenge to meet him. The boxer knew not from whom the challenge came ; upon enquiring, he was told he was our most active magistrate ; this alarmed him greatly, and he thought proper to leave the town. Mr. Ettrick, on his

way home, seeing a crowd of people assembled, enquired the cause, and was told the boxer was leaving the town. Oh! oh! said he, tell him from me he is a great coward. I sent him a challenge, but he durst not accept it!"*

Mr. Ettrick was, during many years, a daily visitor at the house and shop (now occupied by Messrs. Thomas Reed and Company) of Mr. James Graham,† a highly respectable printer and bookseller, 185, High Street. For an hour or two every day (Sundays excepted) before Mr. Graham's dinner time, it was his constant practice to sit in that gentleman's parlour discussing and relating the news and events of the day, until dinner was placed upon the table, when he rose from his seat and departed. To the invitation which Mr Graham always, as a mark not of common politeness and courtesy, but of real respect, put to the worthy magistrate, "Won't you stop to dinner, sir?" his reply was, "Oh, no, I cannot; I have to go to such a place" (naming it). And during the many years he frequented Mr. Graham's house, he was never known

* Burnett's History of Sunderland, p. 43.

† On the death of the wife of a respectable bookseller, of Sunderland:—

"From fate there's no defence,
Death call'd her hence—
In youth's full pride;
Could virtue save
From an untimely grave,
She had not died."

—Cunningham's MSS., quoted in Sharp's *Bishoprick Garland*, p. 77. The lady alluded to by the poet was the first wife of Mr. James Graham above named. She was a York lady and died without issue. The poet was a regular visitor at Mr. Graham's shop.

either to eat or drink in it. His frequenting Mr. Graham's was so well known to his fellow-townsmen that parties wanting warrants, summonses, affidavits sworn for seamen's protections, or magisterial aid of any description, used to go there to find him, when Mr. Graham's shop was his justice room. Masters of ships wanting to slip off (as they sometimes did) without paying fees for swearing affidavits, were sharply asked by him, "Do you think that Mr. Graham gets his pens, ink, and paper for nothing?" All his fees were laid upon Mr. Graham's counter, and remained untouched by any one until he left the house, when, no doubt, as Mr. Ettrick intended, Mr. Graham took them up and appropriated them to his own use. Mr. Graham was a widower, with three daughters, whom he was sometimes unwilling to let go to the theatre or balls. In this difficulty, the young ladies invariably applied to Mr. Ettrick to intercede with their father, who always succeeded by saying, "Mr. Graham, why would you hinder the poor things, they must be like other people; let them go, let them go." As a matter of course, Mr. Ettrick was a favourite with the young ladies.

Mr. Ettrick, like many other great men, relished a pun or a joke. Once upon a time he had an old Scotchman doing something about the mansion house, who, when his work was done was requested to hand in an account. As a matter of course Sandy did so, but unfortunately, in writing the justice's name, he spelled it Atrick (the way which Mr. Walter Ettrick's name is written in the patent of Bishop Cosin), in consequence of which he was told that no such person lived at High Barns. Some days elapsed before the workman got to know the reason why Mr. Ettrick refused to discharge his ac-

count (for to his honour be it stated he was very punctual in money matters); upon being told of his mistake, the cautious Scot endeavoured to correct it, but made matters no better, for then he wrote it Etrick. After several fruitless attempts to see the justice he got an audience, when, to enjoy the farce, Mr. Ettrick still refused to pay the account: the Scotchman, having learnt that Mr. E. loved a pun, pretending to be in a great passion, plainly told the dispenser of the law that "he cared not whether his name was A-trick, or E-trick, but he added, if you don't pay me immediately, I'll play such a trick upon you as will effectually do your trick." This witty reply had the desired effect; the account was discharged forthwith, the man regaled with the best that High Barns afforded, and further complimented by the justice of being one of most sensible working men he had met with for some time. Upon another occasion, whilst sitting upon the bench, a cartman was brought before him for not having his name upon his cart according to law: as a matter of course he was fined, but in a mitigated penalty. The man thinking he had been rather harshly dealt with determined to be revenged the first opportunity:—he had scarcely got his fine paid, and was leisurely driving up the High Street, when he met Mr. Ettrick's cartman driving his dung cart (perhaps the identical cart wherein that gentleman wished to be carried to the grave) in an opposite direction. Here was a chance not to be neglected, so, getting off his own vehicle, he inspected that of the justice, when lo and behold his name was found wanting! Off he went to the magistrates' room, George Inn, High Street, laid an information, Mr. Ettrick who was still on the bench, tried his own case and fined him-

self!! This proceeding afforded him infinite amusement.

Mr. Ettrick, amongst his other qualifications, had claims as a poet. The following epitaph from his pen appears upon a tombstone which he erected in Bishopwearmouth churchyard to the memory of George Bee, a day labourer upon his estate at High Barns, whose death was caused by a man accidentally riding over him, as stated in the verse :—

“ Under this Stone his Friends may see
The last remains of poor George Bee,
Laborious Bee, had oft earn'd Money,
As oft hard Winters eat the Honey.
Of all the Bees were in the Hive,
None toil'd like him are now alive.
A Man more cruel than a Turk
Destroy'd him coming from his Work :
Without a Word, without a frown,
The horrid Monster rode him down :
And thus, tho' shocking to relate,
Poor Bee, alas ! met with his fate.—
Since life's uncertain, let us all
Prepare to meet Death's awful call.

Oct. 29, 1785, aged 71 years.”

On the 14th September, 1802, Mr. Ettrick made his last will and testament; and, after giving certain pecuniary legacies to his two servants, he says :—

“ And I give unto Robert Allan, of Bishopwearmouth, in the said county, Esquire, the sum of one thousand pounds, in trust, to apply the same in causing a marble monument to be erected in the parish church of Bishopwearmouth, aforesaid, to commemorate my ancestors (that is to say), Walter, my great-grandfather, Anthony,

my grandfather, and William, my late father, to their posterity, and with the most grateful acknowledgments and thankful remembrance of their care of and provision made for their posterity, and with such inscription as he, the said Robert Allan shall judge proper to be engraven thereon, and I direct that such monument shall be made and erected as soon after my decease as the same can conveniently be done." He appoints his son William Ettrick sole executor. As regards his funeral the testator states thus :—

"And I desire that my body may be buried in the burying place belonging to the house and estate of High Barns, aforesaid, at or about the hour of twelve of the clock at night, that it may be carried in my dung cart to the grave, and that if I should not then have any, then in any other cart, and not in a hearse, that my coffin may be inch and half oak, without any mouldings, plates, tackets, or ornaments of any kind, without lining, and without covering, and may be put into the grave by four paupers, without the date of the year of my death, or number of years I have lived, and that no mourning of any kind may be used at or about my funeral." *

The will was proved in the Consistory Court of Durham, on the 18th of June, 1808, by the Rev. William Ettrick, the son and sole executor, and the effects were sworn under £35,000.

Mr. Justice Ettrick died at his seat, High Barns, on the 22nd February, 1808, in the eighty-third year of his age. As might be anticipated the intructions contained in his will regarding his funeral were not complied with.

* From the Will Registry Office, Durham.

He frequently told Mr. Richard Hutton during his lifetime to make his coffin according to the directions contained in his will, always concluding his orders with "And you must take me to the church in a cart." Mr. Hutton made the coffin of oak one inch and a half thick, according to the will, but with a brass plate upon the lid, whereon was engraved his name, date of his death, and his age: the coffin was further ornamented with eight brass handles on its sides and ends, the inside was lined with white calico, and his body was laid upon a hair mattress made on purpose.

The funeral took place in the afternoon of Sunday the 28th of February, in the family vault at Bishopwearmouth Church, at the usual hour for interments. The funeral service was very impressively performed by the Rev. George Stephenson, M.A., curate of Bishopwearmouth, assisted by the Rev. John Hampson, M.A., rector of Sunderland, a personal friend of Mr. Ettrick's, and who consigned his body to the grave.

The funeral procession was such a one as befitted that of a county magistrate and gentleman. First in the procession, were the clerk and sexton of Bishopwearmouth Church, as mutes, with the usual emblems of mourning, next, Mr. Richard Hutton, as undertaker, dressed with a black scarf and hat band, then the hearse containing the body, with three of Mr. Hutton's workmen on each side, dressed with scarfs and hat bands.

In the mourning coaches, including the Rev. William Ettrick, and some of his children, were Sir Charles Miles Lambert Monck, of Belsay Castle, Bart., William Robinson, of Silksworth Hall, Esq., and the most of the neighbouring gentry. The funeral cortege was brought

up by Mr. Ettrick's tenantry on horseback, all attired in mourning, supplied by Mr. William Orton, draper, of 108, High-street, Sunderland, now the shop of Messrs. Bradley and Robinson, drapers.

The greatest hospitality took place at High Barns at the funeral of the deceased, where every thing was dispensed in profusion. Yet strange to say, after this a dispute arose between Mr. Richard Hutton and the Rev. William Ettrick, respecting the price of his father's coffin, and it was at length agreed to refer it to Mr. Michael Wiseman, an eminent valuer of mason's and joiner's work at Sunderland. Mr. Wiseman was accordingly requested to attend at High Barns by the Rev. William Ettrick, when that gentleman told him that he wished to have the family vault opened, so as he might value the coffin, to which Mr. Wiseman replied there was no necessity for doing so, as he had seen the coffin, in Mr. Hutton's workshop, and that he considered the charge of £10 was a fair and reasonable one. Mr. Ettrick then asked Mr. Wiseman his charge for the valuation, to which that gentleman responded "a guinea, sir," which was immediately paid. Mr. Hutton's account for the coffin, &c., was then honourably discharged without any further trouble or delay.

But, leaving this digression into which Benjamin Hodgkin and Justice Ettrick have led us, we shall proceed to trace the descent of the remaining portion of copyhold property in Sunderland. To many of our readers the details of these are doubtless "dull, dry, and uninteresting," but they are nevertheless important, and well deserving a place in a work of this nature.

By two surrenders dated January 5, 1781, William

Killingworth, of Bethnall Green, Middlesex, gentleman, and Jane his wife, which said Jane was the niece and heir-at-law of Benjamin Hodgkin, late of Sunderland-near-the-Sea, Esq., deceased, and Christopher Johnson, of the city of Durham, gentleman, and Tabitha his wife, surrendered to Thomas Collin, of Sunderland-near-the-Sea, gentleman, all the premises comprised in the two admittances of 10th February, 1760, and 20th Dec. 1780, and by the same descriptions. To have to the said Thomas Collin, and his sequels in right, according to the custom of the court, rendering &c. And he was thereupon admitted tenant. Defeazanced in trust for Thomas Hardcastle, of Sunderland, gentleman (who had purchased all the said W. Killingworth and Jane his wife's interests therein), and the heirs, sequels in right, and assigns of the said Thomas Hardcastle for ever.

November 22, 1798, Thomas Collin, only son and heir of Thomas Collin, deceased, was admitted to "a moiety (the whole in two parts to be divided) of a certain parcel of land lying in the parish of Sunderland-

DEMISE, 3d. near-the-Sea, between the meet called the high water-mark, and the meet called the low water-mark of the river Wear, on the south side of the said river, abutting upon a tenement and wharf to the same belonging called Bowes's Key, formerly in the tenure of Mary Ridley, widow, on the west, and a certain rock there called the Nab End on the east," which the said Thomas Collin, the father, had in right whilst he lived. To have to the said Thomas Collin, the son, and his sequels in right, according to the custom of the court, rendering &c. And he was thereupon admitted tenant.

By surrender dated Nov. 27, 1798, the said Thomas

Collin, the son, John Hardcastle, of Sunderland-near-the-Sea, boat-builder, Thomas Hardcastle, of the same place, boat-builder, William Oswald, of Deptford, Kent, gentleman, and Jane his wife, before marriage Jane Hardcastle, spinster, and William Hardcastle, of Sunderland, aforesaid, merchant (which said John Hardcastle, Thomas Hardcastle, Jane Oswald, and William Hardcastle, were the only children and devisees in the will of Thomas Hardcastle, late of Sunderland-near-the-Sea, aforesaid, boat-builder, deceased), surrendered to Nicholas Crofton, the younger, of Barmston, in the parish of Washington, Durham, gentleman, all the premises in the admittance of Nov. 22, 1798, and by the same description. To have to the said Nicholas Crofton, and his sequels in right, according to the custom of the court, rendering &c. And he was thereupon admitted tenant. Defeazanced for securing £200 and interest to the said Nicholas Crofton, and subject thereto, in trust for the said William Hardcastle, and Thomas Hardcastle, their heirs, sequels in right, and assigns, as tenants in common, and not as joint tenants.

On the 24th February, 1815, the said John Hardcastle of Sunderland, block-maker, eldest brother and heir-at-law and residuary devisee and executor named in the last will and testament of the said Thomas Hardcastle, deceased, and the said Nicholas Crofton, surrendered to Anthony Snowball, of Southwick, in the county of Durham, gentleman, all the same premises as in the surrender of 27th Nov. 1798, and by the same description. To have to the said Anthony Snowball, and his sequels in right, according to the custom of the court, rendering &c. And he was thereupon admitted tenant. Defea-

zanced for securing £200 and interest to Mary Westol, of Monkwearmouth Shore, widow, and Robert Ingram Shafto, of Bishopwearmouth, gentleman, their respective executors, administrators, or assigns, in the parts or shares following (that is to say), £120 to the said Mary Westol, and the remaining sum of £80 to the said R. I. Shafto, and subject thereto, in trust for the said John Hardcastle, his heirs, sequels in right, and assigns.

By surrender dated Dec. 1, 1819, the said John Hardcastle surrendered to William Oswald, of Deptford, Kent, Esq., all the same premises as in the surrender of Feb. 24, 1815, and by the same description. To have to the said William Oswald, and his sequels in right, according to the custom of the court, rendering &c. And he was thereupon admitted tenant. Defeazanced subject to the £200 and interest to the said W. Oswald, and subject thereto, in trust for the said John Hardcastle, his heirs, sequels in right, and assigns for ever.

April 20, 1820, the said Anthony Snowball, John Price, of Monkwearmouth Shore, labourer, and Mary Price, his wife (late Mary Westol, widow), and the said Robert Ingram Shafto, surrendered to the said William Oswald, all the same premises as in the surrender of Dec. 1, 1819, and by the same description. To have to the said William Oswald, and his sequels in right, according to the custom of the court, rendering, &c. And he was thereupon admitted tenant. Defeazanced for securing to the said William Oswald the sum of £200 theretofore secured to the said Mary Westol and R. I. Shafto, as a transfer, and subject thereto, in trust for the said John Hardcastle, his heirs and assigns for ever.

June 30, 1828, Thomas Oswald, of Lewisham, Kent;

Esq., eldest son and heir-at-law of William Oswald, deceased, was admitted to all the same premises, and by the same description, which the said William Oswald had in right whilst he lived. To have to the said Thomas Oswald, and his sequels in right, according to the custom of the court, rendering, &c. And he was thereupon admitted tenant.

July 1, 1828, the said John Hardcastle and Thomas Oswald surrendered to Philip Laing, of Deptford House, Bishopwearmouth, shipbuilder, all the same premises and by the same description. To have to the said Philip Laing, and his sequels in right, according to the custom of the court, rendering, &c. And he was thereupon admitted tenant. Defeazanced in trust for securing, raising, and paying, to the person or persons entitled to the principal sum of £200 heretofore owing by the said surrender of April 20, 1820, with the interest attending the same, and subject thereto, the premises comprised in the above-written surrender were declared to be in trust for the said Thomas Oswald, his heirs, sequels in right, and assigns for ever, who had purchased the said premises of the said John Hardcastle for £490, and which said surrender was so made to the said Philip Laing and his sequels in right, in consideration of £170 paid by the said Thomas Oswald to the said John Hardcastle, and of the sum of £120 so due from the said J. Hardcastle to the said Thomas Oswald, which said two sums of £170 and £120 make, together with the sum of £200 remaining secured on the said premises, the sum of £490.

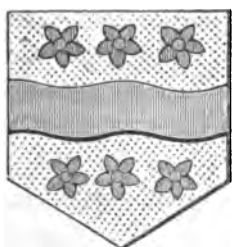
April 20, 1848, by the second of two surrenders, the said Thomas Oswald and Philip Laing surrendered to Richard Rhodes, of Greenwich, Kent, Esq., all the same

premises as in the surrender of July 1, 1828, and by the same description. To have to the said Richard Rhodes and his sequels in right, according to the custom of the court, rendering, &c. And he was thereupon admitted tenant. Defeazanced in pursuance of a covenant contained in a certain indenture, bearing even date with the said surrenders, and made between the said Thomas Oswald of the one part, and the said Richard Rhodes of the other part, and subject to the proviso or condition therein contained for the redemption of the same premises on payment by the said Thomas Oswald, his executors, administrators, or assigns, unto the said Richard Rhodes, his executors, administrators, or assigns, of the sum of £500 and interest.

On the 2nd December, 1839, the late Bishop of Durham (the Right Rev. Dr. Maltby), described in the lease as lord of the manor of Houghton, and Mr. Oswald leased part of this copyhold to the Durham and Sunderland Railway Company, for 99 years, at the yearly rent of ninety-one pounds, one pound payable to the Bishop, and the remaining ninety pounds to Mr. Oswald; this lease was abandoned by the successors of the Railway Company, by virtue of a clause in it, when the coal staiths, which covered this copyhold, were removed from the Low Quay, after the opening of the Sunderland Dock. During the continuance of the Railway Company's lease, the yearly rent of five pounds was paid by them to the commissioners under the Sunderland Improvement Act, for the liberty of covering the public carriage road and footpath at Hardcastle's Quay with their coal staith. Mr. Oswald, in 1852, again, with the concurrence of Bishop Maltby, in the same manner and form, leased the

whole of his copyhold to the Rev. James Everett, late a Wesleyan Minister, at a reduced yearly rental.

Pursuant to the following notice, an adjourned hal-mote court was held in the county



court room (formerly the School of Industry, and subsequently the Assembly Hall), Upper Sans Street, for the first and only time in this borough, on Thursday and Friday, the 23rd and 24th days of October, 1851, before Joseph Davison, Esq., of Hallgarth.

Street, Durham, deputy of Alexander Atherton Park, Esq., Barrister-at-Law, steward of the manor.

"Manor of Houghton,

IN THE COUNTY OF DURHAM.

NOTICE IS HEREBY GIVEN,—That an adjourned HAL-MOTE COURT of the Right Rev. Father in God, **Edward Lord Bishop of Durham**, Lord of the said manor of Houghton, is appointed to be holden at the County Court Room, in Sans Street, Bishopwearmouth, within the said Manor, on Thursday, the twenty-third day of October instant, at Ten of the Clock in the Forenoon of the same day, and all Copyholders and others, who owe Suit and Service at the said Court, are required to be and appear at the time above mentioned, to perform the same as anciently they have done, upon pain of amerciamment.

JOSEPH DAVISON,

Deputy Steward of the said Manor.

Exchequer Office, Durham, 8th October, 1851."

The court was well attended by the members of the legal profession, including Messrs. Robert Smart, Joseph John Wright, John Kidson, George Smith Ranson, Robert Brown, William Allison, Anthony John Moore, Joseph Young, William Moore, Thomas Thompson, James Septimus Robinson, John Hutchinson, &c., &c.

Mr. George Whitfield, Greeve of Wearmouth, opened the Court by the following proclamation :—

☞ Yrs ! ☞ Yrs !! ☞ Yrs !!!

“ All persons who owe suit and service, or have anything to do at this Halmote Court of the Right Rev. Father in God, Edward Lord Bishop of Durham, holden here this day, for his manor of Houghton, before Joseph Davison, Esq., deputy steward, let them come forth and they shall be heard.”

Mr. Ranson, solicitor, then came forward and stated that Mr. J. J. Wright and himself had been appointed at a meeting of legal gentlemen, held last night, to attend the Halmote Court for the purpose of looking after and watching over the interests of the copyholders. He would like, therefore, to know, before any business was proceeded with, what course was meant to be pursued in that court. The deputy-steward stated, in reply, that all information would be given in the remarks he was about to make. Mr. Davison then proceeded as follows :—

“ Previous to calling the names of the copyholders of the manor of Houghton, who have their copyholds in Sunderland, Bishopwearmouth, and Bishopwearmouth Panns, I beg to state that this adjourned Court of this manor has been held for their convenience, and that the Court now holding is called the Halmote or Copyhold Court, and is the court of the lord of the manor, where

the differences, either between the lord or his tenants, or between tenant and tenant, were in ancient times adjusted and determined, and where all transactions relative to the copyhold tenants of the manor were also completed and registered. The end and design of the Court being, on the one hand, to preserve the manorial rights and seignory of the lord, and on the other, the ancient customs and privileges of the manor, by the due observance of which the copyhold tenants in particular hold their estates, and maintain and evince their title to them. The copyhold tenants of the manor will, by an inspection of their surrenders, find that they hold their estates according to the custom of the Court, and rendering yearly, as was wont to be rendered, and doing to the lord and the neighbours, the duties and services accustomed. It behoves, therefore, the copyholder to reflect, that if he does any act incompatible with the relation in which he stands, as tenant, if he denies his dependency, or refuses to comply with the terms of his grant, or copy, the law deems it a breach of the condition by which he holds, and the estate will return to the lord who granted it. The copyholder is not, however, dependent upon any capricious will of the lord. The law and custom of the manor protects and establishes his estate; but he can only claim the protection of the custom whilst he complies with its dictates. If he regulates not his conduct by the rules which that custom has prescribed, he is not entitled to its favour. If he transgress the customs of the manor, the customs of the manor can no longer support his estates. But whilst he performs his services and fulfils the duties of his tenancy, the law interposes in his behalf, and controls the will and

power of the lord, and preserves and secures the tenant in the enjoyment of his estates. Having premised these observations, we will proceed to enquire, what acts of the copyholder will be deemed a breach of the conditions by which he holds his estate, and will amount to a forfeiture of it. If the copyholder be attainted of treason or felony, or be outlawed for a capital crime, his copyhold is immediately forfeited to the lord. If he convey or alien his copyhold by deed, or in any other manner than by surrender, such an act, being incompatible with the nature of his tenancy, is a forfeiture: so likewise he incurs a forfeiture if he leases his tenement for more than one year without license. Another cause of forfeiture is the denial or refusal by the copyholder of the services of right due to the lord. For he thereby evidently breaks the condition by which he held his estate; and, as in such a case, the consideration of the grant fails, the lord is of consequence entitled to resume it. If the tenant in open court expressly disclaims being tenant to the lord, or if he declares he owes him no services, and consequently refuses to render any, these are evident acts of forfeiture. So, likewise, if when in court he refuses being sworn on the homage, or if when duly sworn, he refuses to present according to his oath, or if, being personally summoned, he performs not his suit and service, without alleging a sufficient cause, a forfeiture will be incurred. A forfeiture will also be incurred, by the copyholder committing wilful waste upon his tenement, or by felling timber (except for the necessary repair thereof), and either selling or applying it, for or towards the repair of other tenements, without due license obtained for that purpose. And as the copyholder can

only fell such timber, as shall be necessary for, and shall be used in the repairing of his tenement, so also is he precluded from digging or working the mines therein, he being merely entitled to the profits of the surface, and having no right to the soil or mines, or to the wastes and minerals, which are the freehold and property of the lord. Upon the death likewise of the copyholder, the heir is bound, upon three proclamations at three several successive courts, to come in and be admitted to his copyhold. If he fails to do so, the estate comes to the lord by forfeiture or escheat. I have enumerated some of the principal causes whereby a copyholder may forfeit and lose his estate. Where the offence committed, which is the cause of forfeiture, is, in its very nature, apparent and notorious, and such as by common presumption the lord cannot avoid noticing, no presentment of the homage or jury is necessary to entitle him to have the benefit of it. As I perceive that many legal gentlemen are present, I beg to refer you to Scrivener on Copyholds, page 403 of vol. I., as to the law on forfeitures. I will now proceed with the call of the copyholders."

After this, Mr. Robert Jackson, of Durham, clerk of the court, commenced to call over the names of the Bishop's copyhold tenants on the rolls of the manor, in the parish of Sunderland, and the townships of Bishopwearmouth, and Bishopwearmouth Pann. The Greeve of Wearmouth paying the usual fine of one penny for each tenant who did not appear in court to do "suit and service" to their lord. Names of parties were called, many of whom had been dead upwards of forty years:—amongst these was John Biss, Esq., of Deptford House.

A general conversation took place amongst the legal gentlemen and others present during the calling of the Court Roll. Mr. A. J. Moore stated, that he had no doubt but that the whole of the freehold property in the parish of Sunderland had been filched from the Bishop's waste or common. It was also stated that the whole of the water side property in the Low Street, between Russell Street and the Ferry Boat Landing, without the exception of part that had been enfranchised, was leasehold under the bishop, having anciently been within the flow of the tide, and quayed from the river about 1640.

In reading the roll, the clerk described the Railway (formerly Thornhill's) Wharf copyhold property (part of the grant to Mr. Ralph Bowes before named), as bounded on the south by Sunderland Town Moor. Mr. James Septimus Robinson, solicitor to the freemen and stallingers, took a note of this description, and Mr. J. W. Summers explained that the part of the Town Moor referred to was the ground upon which Sunderland Pottery now stands, belonging to the bishop of Durham as lord of the manor or borough of Sunderland.

On the first day the court adjourned at 4 o'Clock, when the gentlemen who had been summoned as jurors, and others, repaired to the Bridge Hotel, upon the invitation of the deputy, where a dinner was served up in Mr. Donkin's well known excellent style.

On the following day the calling of the roll was resumed by the clerk, at the close of which it was ascertained that 425 trustees or legal tenants of copyhold properties in Sunderland, Bishopwearmouth, and Bishopwearmouth Panns were dead.

The clerk then made the following proclamation for the heirs of the deceased trustees, varying the names to suit each case.

⊗ Yes! ⊗ Yes!! ⊗ Yes!!!

"The heirs and next of kin of John Goodchild, (of Pallion,) trustee for John Johnson, (Coronation, Moor, and Zion Streets,) come forth and claim the customary lands and tenements which he held in Wearmouth, whilst he lived, or you will lose your right. This is the first proclamation."

(Second and third proclamations were made in the same form for the heirs, at courts held at Houghton-le-Spring, before Mr. Davison, on the 8th May, 1852, and 9th May, 1853.)

After the first proclamation was ended for the heirs of 425 of the deceased tenants to come in and be admitted to the copyholds held by their ancestors,

Mr. A. J. Moore addressed the steward. He said that great misapprehension prevailed amongst the copyholders as to the holding of this court in Bishopwearmouth, as this was the first time it had been held in Bishopwearmouth. He apprehended that the object of the steward in holding the Court here was for the convenience of the numerous copyholders, resident in Bishopwearmouth, that they might attend the Court, without being put to the inconvenience of attending at the usual place of meeting. If such were the object of the steward, the copyholders were much indebted to him in thus consulting their convenience, especially as so large a number as 425 of the copyhold properties here would shortly be liable to forfeiture unless the heirs of the deceased tenants came

in, and were admitted. It was important to them to know that their estates would be liable to be forfeited to the Lord of the Manor, provided they did not come in and claim to be admitted after three proclamations, the first of which has been made to-day. The second would be made in six months, and the third in twelve months hence, after which the estate, in neglect of the proper person being admitted, would be forfeited. Now, if the object of the steward in holding the court here was for the convenience of the copyholders, and to give them notice of the proclamation thus made, we were much indebted to him in coming here to hold this court. But, as certain rumours were prevalent, it might be as well if the steward would state to the copyholders now assembled the object he had in view.

The Deputy-Steward, in reply, said that one of his great objects in holding the court in this town was for the convenience of the copyholders in this district; another to maintain the rights of the lord, which would afterwards be seen.

The following copyhold tenants of the manor were then sworn as

The Presentment Jury.

JOHN CROWE, (foreman,)

EDWARD BOWMAKER,
CUTHBERT ALLISON,
ROBERT WILSON,
ANTHONY WARDROPPER,
ANDREW HARRISON,
TOBIAS DIXON,
JOHN PORTER TURNBULL,
GEORGE HUGALL,

JOHN SWAN,
EDWARD HUGALL,
WILLIAM CALVERT, jun.,
WALTER MURRAY,
JOHN VIPOND,
WILLIAM LACKENBY,
GEORGE RUTTER,
THOMAS STEPHENSON.

The Deputy-Steward addressed the jury, instructing them that it was their duty to present to the lord all encroachments on his wastes. A portion of their duty was to present all nuisances committed by the tenants, but this appeared to be unnecessary since the passing of the Health of Towns Act. It was their duty also to present all persons who had felled timber on the copyhold lands which belonged to the lord, but this in a town like theirs was unnecessary where there was no timber. Another important duty they had to perform was to present all persons who had worked away any minerals, stones, or clay under the copyhold grounds, as it was a forfeiture of their estate to make clay into bricks for sale. These were the principal subjects for their inquiry. The Deputy-Steward called upon the Greeve to say if he had any presentments to make.

The Greeve handed in a list of parties he wished to present. The first gentleman presented was Christopher Bramwell, Esq., for working clay out of his copyhold estate at Hendon House.

The Deputy-Steward said that this was a clear forfeiture of his estate, in working clay without the license of the lord; and, if the jury so presented, the lord had nothing to do but at once take possession of his property.

Mr. A. J. Moore (who was the only professional gentleman, except Mr. John Hutchinson, in court), rose and said, that it depended altogether upon the custom of the manor, whether the lord or the copyholder was entitled to the clay. The lord, no doubt, was entitled to the minerals, generally speaking; but he was in this fix, even with them, that he could not work them without the consent of the copyholder, for he would be a trespasser if he

entered upon the copyholder's land to dig or search for them. With reference to the clay, he contended that, by the custom of the manor (and everything depended upon the custom), the copyholder, and not the lord, was entitled to the clay in the manor. He never heard of an instance where a copyholder of Houghton Manor applied to the lord to work the clay. If so, it was strong evidence that the lord had no right to it. But he thought that the jury should not proceed with the case until they had evidence of the fact, and that Mr. Bramwell should have notice to defend his right.

The Steward, on looking at his law-book, said that the right to the clay depended certainly upon the custom of the manor, but that the tenant must show that there was such a custom.

Mr. Moore said he had written a note to Mr. Bramwell, requesting his immediate attendance, and that of his solicitor; and in about ten minutes Mr. Bramwell, with Mr. J. J. Wright, his solicitor, arrived.

Mr. Bramwell expressed his great surprise at the proceedings. He never heard of such a claim being set up before. He could prove that for fifty years the clay had been worked without any license from the lord, and that to forfeit his estate without notice and evidence would be monstrous.*

The Steward: You can have a license from the lord, upon payment of so much a thousand for the bricks.

Mr. J. J. Wright contended that the clay belonged to Mr. Bramwell, and not to the lord, and that this was a

* In this statement Mr. Bramwell was not correct. Clay was first dug and bricks made, upon the Hendon House copyhold, by Mr. John Ray, Mr. Bramwell's tenant, in the year 1836, and not before.

most unprecedented proceeding. By the custom of the manor the clay was the property of the copyholder, and no instance had ever been heard of here where the contrary had been asserted. They should have had notice of this inquiry, that they might have been prepared with evidence and authorities upon the point.

The steward, in addressing the jury, said that the clay belonged to the lord, and that they, or some of them, on their own knowledge, would know that Mr Bramwell had worked the clay: if so, it was their duty to present the same to the lord.

The jury retired, and in about twenty minutes returned into court, with a verdict that Mr. Bramwell had worked the clay out of his copyhold ground, but that the jury had no evidence that the same was contrary to the custom.

The next presentment was against the Earl of Durham, for conveying his copyhold ground by deed instead of surrender.

Mr. A. J. Moore said, although he had no instructions from the Earl of Durham, who was perfectly ignorant of these proceedings, yet he would undertake to appear for him, for he knew well that his lordship had not in a single instance conveyed any of his property in Bishopwearmouth in a manner that was illegal, or that should in any way operate as a forfeiture of his copyhold. He would require, nay, challenge the proof, by any legal evidence, that any one of his conveyances operated as a forfeiture. The whole of the conveyances were only of the equitable estate, the legal tenant never having granted by deed. The conveyances were therefore perfectly legal, as well as all the other conveyances of copyhold property in this town. He never saw a single conveyance

which was illegal. In other parts of the county the legal tenant had joined in granting by deed, which would operate as a forfeiture, but it had never been done here, to his knowledge.

No evidence being forthcoming against his lordship, the presentment was dismissed.

The Grieve also presented the Rev. Ralph Tatham, D.D., General Beckwith, Mr. Johnson Oates, and one or two other copyholders, for breaches of the custom of the manor, by conveying their land by deed instead of surrender, and by their committing waste within their copyhold lands, by working limestone, digging clay, &c.; but the above cases were the only ones of which any special notice was taken, and the whole of these presentments were also dismissed.

The Deputy-Steward then thanked the jurors for their attendance for the lord of the manor, and the court closed.

Part of the copyhold waste ground in Sunderland granted to Ralph Bowes, Esq., in 1601, is now in the possession of the following parties, viz.:—

Ettrick's Quay on the west, in the hands of Messrs, Robert Fenwick and Company, common brewers.

Bowes's Quay (or Ridley's Quay), the property of the North Eastern Railway Company.

The Partnership (or Hardcastle's) Quay, to Mr. Thomas Oswald, of Lewisham, Kent.

Hodgkin's Quay (or Thornhill's Wharf), in the hands of Messrs. Thomas Wood and David Jonassohn; and

The Commissioners of the river Wear occupy the ground as originally granted to them, extending from the Nab End eastward, including a considerable part of the Potato Garth on the north side of the river.

The modern customs of copyhold in this district, render it, with very trifling exceptions, equal to freehold tenure, as regards surface rights; but all mines and minerals under the copyholds belong to the lord.

An act received the royal assent on the thirtieth of June, 1852, the compulsory powers of which came into operation on the first of July, 1853, whereby, upon compensation being paid, the tenant can compel the lord of the manor, or the lord the tenant, to enfranchise the surface only of his copyhold. This act is likely to remain a dead letter in this district, in respect of small copyholds, where they are held directly from the lord. It would exempt them from the payment of their trifling out and court rents; but where they are held under other tenants, at yearly ground rents, it would only free them from the small due called court rent, or fine for not doing "suit and service" at the manor court. The expenses attending the enfranchisement would entail a much heavier tax upon these small holdings than they are now subject to. Several enfranchisements of land have taken place under this act.

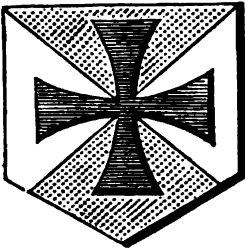


CHAPTER IV.

BISHOP PUDSEY'S CHARTER. RENTS AND PROFITS OF THE PORT RECEIVED BY THAT PRELATE. SUNDERLAND UNDER THE BOLDON BUKE. ANCIENT MANORIAL WATER CORN MILL. EXTRACTS FROM THE PIPE ROLL, 8 RICHARD I., RESPECTING SUNDERLAND. CHARTER OF HENRY III.

IN the year 1154,* Bishop Pudsey, desirous of encouraging the trade of the port and borough of Sunderland, granted the following charter of incorporation.

PUDSEY.



Hugh, by the grace of God, Bishop of Durham, to the prior, archdeacon, barons, and to all men throughout his episcopate, both English and French, greeting. Know ye that we have granted and confirmed, by the present charter, the same free customs and liberties to our burgesses of Wearmouth as those enjoyed by

the burgesses of Newcastle. That it is lawful for them to judge, in a court of law, peasants, or other inhabitants, without the liberty of their (præpositus† bailiff if they be

* Spearman's Enquiry into the Ancient and Present (1697) state of the County Palatine of Durham, page 23.

† Præpositus. The bailiff or steward of a vill or manor, whose duties and position varied with the nature of his charge. "His business was to collect rents, to levy

indebted to them ; unless, perhaps, they have been placed there by the bishop or sheriff, or senescal, for some matter of the bishop's own ; neither is it lawful for a burgess to try a burgess without the authority of the bailiff.

"If a burgess accredit anything to a villan within the borough, and if he deny the debt, it shall be settled within the borough. However, a burgess must not, on any occasion, harass a villan by unlawful speech.

"Pleas arising within the borough, except those of the crown, shall be determined there.

"If any burgess be accused within the borough, he must comply, unless he makes his escape into another borough, where he shall be retained and placed in security ; but if the court of the same do not fail in their duty, and if the plea does not pertain to the crown, he shall not be called upon to answer without an appointed day, unless it has been formerly fixed by an unwise council in law.

"If a ship touch at the Wear, and is about to depart, any burgess may purchase whatever merchandise he wishes from that ship, if any one be willing to sell to him ; and if a dispute arise between the burgess and the merchant, they must settle it within the third influx of the tide.

"Merchandise being brought into the borough by sea, ought to be landed, except salt and herrings, which may be sold in the ship, or in the borough, at the will of the seller.

"Should any one hold land within the borough for one

distresses, to prevent trespasses, to keep the peace, and do all the offices of equity and right between the lord and his tenants."--*Ellis's Introduction to Domesday Book.*

year and one day without accusation, while the claimant has been within the realm, and not under age, if then accused he ought not to give it up.

“ If a burgess has his son boarded in his own house, the son may enjoy the same liberties as his father. If a villan come to live in the borough, and hold land and tenements for one year and one day, without accusation, by desire of his landlord, he may remain to any time in the borough as a burgess.

“ It is lawful for a burgess to sell his lands and go where he pleases, unless his lands be under a bond.

“ If a burgess be complained against in a matter where battle ought to be waged * by a villan or free inhabitant, he may defend himself by the civil law or by thirty-six men, unless the value in suit be one hundred pounds, or the crime imputed to him ought to be tried by battle.

* At the assizes held before Judge Berkeley at Durham, August 6th, 1638, the singular spectacle was presented of TRIAL BY WAGING BATTLE being offered and accepted for deciding the right of lands at Thieckley, betwixt Ralph Claxton, demandant, and Richard Lilburne (elder brother of Alderman George Lilburne, of Sunderland), tenant. The defendant appeared at ten o'clock in the forenoon, by his attorney, and brought in his champion, George Cheney, in full array, with his stave and sand-bag, who threw down his gauntlet on the floor of the court, with five small pieces of coin in it. The tenant then introduced his champion, William Peverell, armed in the same manner, who also threw down his gage. The judge, after examining the champions, ordered them into the custody of his two bailiffs of the court till eight o'clock next morning, when they were ordered to put in pledges to appear at the Court of Pleas on the 15th September next. The case was again deferred to December 22nd, and the king desired the judges of the northern circuit to hold conference, and consider how the cause might be tried some other way. The result of the conference was, that the judges Bramston, Davenport, Denham, Hutton, Jones and Croke, overruled the objection by Justice Berkeley, that the champions were hired, the exception being too late after battle waged and sureties given, and that, in fact, Lilburne was entitled to his trial by battle if he persisted. Means were found, notwithstanding, to defer the trial by battle from year to year by finding some error in the record, till at length it was ordered that a bill should be brought in to abolish this mode of decision.-- *Surtees' Durham* (City), iv., 9.

A burgess ought not to fight against a villan if he should force him, unless before the accusation he should have forfeited his office as a burgess.

“ Blodwite,* merchet,† heriot,‡ nor stengesduit,§ ought not to exist in the borough.

* A fine imposed for shedding blood. When blodwite is granted in charters, it is meant that the party to whom the grant is made has the right of making inquiry concerning bloodshed, and of receiving the money accruing from fines levied on that account.—*Appendix to Greenwell's Translation of the Boldon Buke.*

† See page 109, note.

‡ See page 106, note.

§ Stengesduit.—Skene, and after him Spelman, read this word *Stingiedint*, and interpret it a beating, from *sting*, a stick, and *dint*, a blow. The proper reading is probably *stengesduit*, from the Anglo-Saxon *steng*, *stang*, a club, a pole, from *sting-an*, to push into, and *wite*, a fine, and means a fine inflicted for an assault committed with a stick or like instrument. In Pudsey's charter to Wearmouth it is found in conjunction with *blodwite*, and in the two were no doubt included fines for all assaults either by stabbing, and so causing bloodshed, or by beating with some blunt instrument.—*Appendix to Greenwell's Translation of the Boldon Buke.* Can this ancient punishment have given rise to or been any way connected with that once popular, but now all-but-obsolete ignominious procession in the north of England, called “Riding the Stang”? when, as the glossary to Douglas's Virgil informs us, “one is made to ride on a pole for his neighbour's wife's fault.” Callender observes, says Dr. Jamieson in his “Etymological Dictionary of the Scottish Language,” that in the north, riding the stang “is a mark of the highest infamy. The person,” he subjoins, “who has been thus treated, seldom recovers his honour in the opinion of his neighbours. When they cannot lay hold of the culprit himself, they put some young fellow on the stang, or pole, (frequently in effigy, which they burn before his door after perambulating the streets,) who proclaims it is not on his own account that he is thus treated, but on that of another person, whom he names. I am informed,” adds Dr. Jamieson, “that in Lothian, and perhaps in other counties, the man who had debauched his neighbour's wife, was formerly forced to Ride the Stang.” This custom is represented in a plate in “The Costume of Yorkshire,” 4to. 1814, p. 63. The letter-press says, “This ancient provincial custom is still occasionally observed in some parts of Yorkshire, though by no means so frequently as it was formerly. It is no doubt intended to expose and ridicule any violent quarrel between man and wife, and more particularly in instances where the pusillanimous husband has suffered himself to be beaten by his virago of a partner. A case of this description is here represented, and a party of boys, assuming the office of public censors, are riding the stang. This is a pole, supported on the shoulders of two or more of the

“ It is lawful for any burgess to have his oven and handmill, saving the right of the lord bishop.

lads, across which one of them is mounted, beating an old kettle or pan with a stick. He at the same repeats a speech, or what they term a *nominy*, which, for the sake of detailing the whole ceremony, is here subjoined :—

“ With a ran, tan, tan,
On my old tin can,
Heigh tinkle, how tinkle,
Heigh tinkle tang.
'Tis not for my fault nor thy fault
That I Ride the stang—
But for Mrs. — and her good-man.
She bang'd him, she bang'd him,
For spending a penny when he stood in need.
She up with a three-footed stool ;
She struck him so hard, and she cut so deep,
Till the blood ran down like a new stuck sheep !”

This doggerel is varied as circumstances may require, and is always accompanied by what is called “rough music,” that is frying-pans, kettles, bull's horns, marrow-bones, cleavers, and other equally melodious instruments. Several instances occur of riding the stang in Sunderland, amongst the most remarkable are the following :—At the close of the first American war, the sailors of Sunderland, being relieved from the fear of impressment, got liberty to go on shore. Having been supplied with the names of those persons who had informed against them and others to the press-gang, on the 13th February, 1783, they assembled in a great body, and went to the houses of the informers, some of whom had left their homes. Those they found were mounted on a stang and carried through the principal streets, exposed to the insults and assaults of an enraged populace, the women in particular bedaubed them plentifully with dirt, &c. Some constables interposing, had their staves taken from them, and themselves beat. About six o'clock in the evening their numbers had so increased, that the drummers of the North York Regiment of Militia (the Black Cuffs) quartered in the town, beat to arms, the regiment paraded the streets, and the mob dispersed ; but the next morning they assembled in greater numbers, and were proceeding to extremities, when the military again appearing with two magistrates at their head, the whole dispersed. Amongst the informers stanged at this time, was Jonathan Coates, of Arras's Lane, Sunderland, commonly known as “Jotty Coates,” who, after undergoing severe punishment on the stang, reached his home nearly dead. During the night he heard a noise which he supposed to be the infuriated populace coming for him again, when he crawled into a narrow dog-leap between Arras's and Baines's lanes, where he died. The popular fury ran so high that his relatives durst not

“ If any one fall into forfeiture to the bailiff touching bread or beer, the bailiff alone can allow him to escape ;

attempt to bury him in daylight, and his body lay in his house until late in the evening of the twentieth, when Mrs. Jane Johnson, of the Old Bull and Dog, 42, High Street, (grandmother of the editor of this History,) prevailed upon some soldiers belonging to the North York Militia, quartered at her house, to carry the corpse by the way of the “ Back Lonin ” to Sunderland church-yard, where it was interred without any funeral ceremony. The register of burials in Sunderland church thus records the interment :—“ Jonathan Coates, February 20th, 1783.” Such was “ the informer’s fate.” The Newcastle Courant, for August 3rd, 1793, informs us that at the assizes at Durham, in the preceding week, “ Thomas Jameson, Matthew Marrington, George Ball, Joseph Rowntree, Simon Emmerson, Robert Parkin, and Francis Wardell, for violently assaulting Nicholas Lowes, of Bishopwearmouth, and carrying him on a stang, were sentenced to be imprisoned two years in Durham gaol, and find sureties for their good behaviour for three years.” These persons were all of them keelmen in Sunderland and Bishopwearmouth, and were well known to many of the old inhabitants of the brough. This riding of the stang, arose out of a strike, when the keelmen moored their keels opposite to Pallion Flatt, and purposely entangled their anchors and cables to obstruct and blockade the river ; the keelmen considered that this was so effectually done, that it could not be cleared. Robert Hayton, Esq., coal-fitter, (afterwards major commandant of the Sunderland Loyal Volunteers), the magistrates, constables, two companies of foot soldiers, and a party of Enniskillen Dragoons quartered in Sunderland, proceeded to Pallion Flatt, and succeeded in cutting out a keel belonging to William Wilson, Esq., coal-fitter, (father of Miss Mary Ann Wilson, of Green Terrace, Bishopwearmouth), out of the hundreds which blockaded the river. The keelmen afterwards regained possession of this keel, and hauled it up with cables upon dry land, at Ayre’s Quay Salt Grass. Nicholas Lowes, a keelman, who resided in a house at the south east corner of Wearmouth Green, gave information of the chief actors in this affair to the coal fitters, for which offence the keelmen broke the windows of his house and carried him through the town on a stang. The keelmen, before named, were arrested and committed to Durham gaol by Sir Ralph Milbank, Bart., of Seaham Hall, (father of Lady Noel Byron), William Ettrick, Esq., of High Barns, and other magistrates. The justices held their meetings then at the George Inn, High Street, in front of which the Foot soldiers were drawn up preparatory to the prisoners being sent to Durham gaol. The keelmen threatened to attack the foot soldiers with their keel-sets and rescue the prisoners. This state of things was ended by the Enniskilleners arriving in front of the George Inn, with their drawn swords glittering in the sun ; the prisoners were then placed in carriages and driven off, escorted by the Dragoons and Foot. On their arrival near the site of the Register Buildings, High Street, Bishopwearmouth, the escort was assailed by a volley of stones from the keelmen behind the

if he fall the second time, he may allow him to escape; but if he fall the third time, let justice be administered to him by the common consent of the burgesses.

“A burgess may bring in his corn from the country when he pleases, except at a time of prohibition or embargo.

“A burgess may give or sell his land to whom he pleases, without the voice or consent of his heir, if he bought it with his own money.

“Every burgess is at liberty to buy timber and firewood equally with the burgesses of Durham.

“They may enjoy their common pasturage,* as was

low wall, which then fenced off the Pann field from the High Street. A stone violently struck one of the Enniskilleners, when the black horses reared upon their hind legs with their front ones placed upon the wall. The Dragoons fired their pistols at the keelmen, the gate of the field was forced, and the Dragoons pursued them to the banks of the river, where they escaped from their pursuers. The prisoners were then quietly taken to Durham; the result of their trial is given above. For many years after this occurrence, which was popularly called the “Black Horse Stick,” the keelmen were taunted by the inhabitants “That they would bring the Black Horse to them.”

* The common pasturage here mentioned, in all probability means the People's Patrimony—Sunderland Town Moor, then the soil and freehold of the Bishop of Durham as lord of the manor, or borough of Sunderland. The adjoining copyhold or customary lands in the township of Bishopwearmouth, on the south and west sides of the Town Moor, held by Messrs. Richard Laurence Pemberton, Charles Richard Robinson, Christopher Bramwell, and William Robinson, the North Eastern Railway—late the York, Newcastle, and Berwick Railway Company, and the Sunderland Dock Company, as the copyhold tenants of the Ecclesiastical Commissioners in their manor of Houghton, still stands enrolled on the books of the manor in the halmote court office, in the exchequer, Durham, under their ancient name, previous to the enclosure and division of the extensive moors and wastes in Bishopwearmouth, in the year 1849, of the Hall Moor or the Great Field. After the enclosure of about 40 acres, part of this moor was known as the Moor Farm, now the property of Messrs. Richard Laurence Pemberton, Charles Richard Robinson, and Christopher Bramwell, and from it Moor Street, Bishopwearmouth, derives its name. The house and other buildings attached to this farm, were in Coronation Street, then called the ‘Back Lane or Back Lonin’. The property of Messrs. Bowmaker, Mr. John Harrison, Mr. Robert Burlinson,

originally granted to them, and which we have caused to be perambulated.

"We shall hold the same customs [or tythe]* arising
BRUS. from fish being sold at the Wear, as Robert de Brus held from his people at Hartlepool.



"We will, therefore, and more firmly determine, that they have and hold the beforementioned customs and privileges freely, quietly, and honourably, from us and

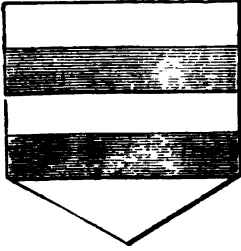
our successors.

~~Witnesses~~—German the Prior; Burchard the Archdeacon;

Mr. R. Todd, &c., now occupy their site. Entered by a gate, through these farm buildings, passed "Jackey Bomacker's Lonin'," now Hendon Road, then a private carriage road, for the exclusive use of the bishop's tenants, leading to Middle Hendon, and the windmill belonging to Mr. John Bowmaker, son of Mr. Alexander Bowmaker, known as "Alick the Miller," and so called by the Rev. John Wealey in his Journal, of whom Mr. Bowmaker was a follower. This windmill which was built by Mr. Alexander Bowmaker in the year 1756, upon a lease for 99 years at the yearly rent of one guinea, was pulled down in 1841, and houses erected on its site, stood on the opposite side of Hendon Road to the borough steam-mill now belonging his great-grandsons, Messrs. Edward and William Bowmaker. From "Jackey Bomacker's Lonin'," nearly upon a line with the south side of Nicholson Street, branched another private carriage road called "Cutty throats Lonin'", which passed through the site of Smyrna Chapel, and formed a junction with the Borough Road at Upper Sans Street.

* From time out of mind, the rectors of Bishopwearmouth have been entitled to half-a-crown yearly from every coble or boat employed in fishing, not only in their own parish, but also in that of Sunderland. This custom, or tithe, was commonly called the "coble teen." During his incumbency, the Rev. Henry Egerton, A.M. (the princely rector of Bishopwearmouth from 1776 to 1795, who was rigidly tenacious of his rectorial rights, and profuse in his liberality, and who, in his style of living, was, from his large private fortune, unequalled by any of his predecessors or successors), gave a sumptuous dinner annually to all the men and boys engaged in fishing, upon the day appointed for the payment of the "coble teen," the expenses of which considerably exceeded his receipts. The collection of the "coble teen" was discontinued during the incumbency of the Rev. Robert Gray, D.D., rector of Bishopwearmouth from 1805 to 1827 (afterwards lord bishop of Bristol), and probably will never again be collected, from the trifling amount due from it.

Symeon the Treasurer ; Master Richard of Colding-
ham ; Master Stephen of Lincoln ;
HYLTON. Master Bernard ; Henry the Mar-
shall ; Arnald, Adam, and Symon,



chaplains ; Gilbert de Lee ; Philip
the sheriff ; Jordan Escoland ;
Alexander de Hylton ; Gaufrid the
son of Richard ; Roger de Eppling-
den."

On the trial of the cause at Carlisle assizes, August 8th, 1851, before Mr. Justice Sir Edward Vaughan Williams and a special jury, between the Master and Brethren of the Trinity House, Newcastle-upon-Tyne, plaintiffs, and William Orton Bradley, Esq., of Sunderland, and another, defendants, respecting the claim made (and subsequently upon very doubtful evidence established) by the plaintiffs to primage dues, at the port of Sunderland ; Mr. Edward Peele, managing clerk in the office of the Dean and Chapter of Durham, produced the enrollment or confirmation of the above charter, by the prior and monks of the monastery of Durham, from the muniments or records of their successors, the Dean and Chapter, on behalf of the defendants in the cause ; in proof of the ancient royal power of the Bishops of Durham, within their palatinate.

This charter was well calculated to foster the infant commerce of the port and borough, by releasing the burgesses from several of the most oppressive parts of the feudal law ; by facilitating the transfer of property, providing for the speedy administration of justice, and protecting the feudal slave or stranger who had settled within

the borough from being dragged back, and again chained to the soil at the mandate of his lord.* The abolition of these barbarous customs by the palatine sovereign, Bishop Pudsey, is a proof of the liberality of his character, and shews him to have been a man centuries in advance of the dark age in which he lived.

In the year 1153 Bishop Pudsey received and enjoyed the rents of the borough of Sunderland, the passage across the river by the ferry-boat, the fisheries, and the duties and profits accruing from ships, vessels, &c., plying to and within the port.*

In 1183, "Sunderland is at farm, and renders one hundred shillings; Roger de Audry renders, for the mill-dam built on the land of Sunderland, one mark.†"

In feudal times mills were very valuable property, on account of the tenants, within the boroughs or manors in which they were situated, being bound to grind a certain quantity of corn at them—all at least that was consumed within the borough or manor, and consequently to pay oppressive multure. The service was called, in Latin, *secta molendini*, and *secta multuræ*; or *sequela molendini*, and *sequela multuræ*; and, in English, suit of mill. In 1282, the burgesses of Morpeth bound themselves and their heirs for ever not to grind the corn which grew upon the land which they farmed of William, son of Thomas de Greystock, anywhere but at the manorial mill of Morpeth.‡ Until a late period, the inhabitants of the city of Manchester were compelled to grind their corn at the mills of the lord of the manor, Sir Oswald Mosley,

* Surtees.

• Spearman's Enquiry, p. 24.

† Boldon Buke.

‡ Hodgson's Northumberland, part 2 vol. 2, page 449.

Bart., of Ancoats, in the county of Lancaster; and this relic of feudalism was only abolished upon the inhabitants giving Sir Oswald compensation for his loss.

It appears that at Cleadon, in the Bishop of Durham's (now, 1857, the Ecclesiastical Commissioners,) manor of Chester, the family of Chamber, of Cleadon Hall, (now the property of Mr. Gourley, of Bishopwearmouth,) extensive copyholders at that place and Whitburn, established a mill of their own, in opposition to the lord, whereupon a trial, the Bishop of Durham (Thomas Morton) versus Chamber took place at Durham, 30th April, 13 Charles I., 1637, when the custom of grinding at the bishop's mill at Whitburn was established, and the defendant restrained from grinding his corn at a mill upon his copyhold land there.*

* Hutchinson's History of Durham, II., 500. The family of Chamber were frequently at variance with the bishops and clergy. Whether for nonconformity, or from what other cause, we know not, but several of them were buried in the stack-yard attached to their farm house at Cleadon. According to the survey of 30, Queen Elizabeth, 1587, they were, so far as regards the rental of their copyhold estates, lords of Whitburn and Cleadon, besides which they held property in Boldon (and, as will be noticed hereafter, perhaps in Bishopwearmouth). The following are extracts from that survey:—

WHITBORNE.

(COPIEHOLDERS.)

	£	s.	d.		£	s.	d.
Cuthbert Eden	0	40	0	Roger Raymes	4	0	0
The said Cuthbert	0	2	6	Isabell Newton	0	4	4
William Rokesbie	0	40	0	Richard Johnson	3	0	0
Robert Chamber [direct ancestor of Mrs. Thomas Pollard, of Newcastle-upon-Tyne, and Mrs. Thomas Barnes, of Whitburn]	10	0	0	John Lethanye	0	33	4
Alice Wright	0	40	0	Cuthbt. Atchison	0	13	4
Richard Kitchin	3	0	12	Xpofer Atchison	3	0	6
Jane Baynbrigge	3	2	0	John Rowesbie	0	40	0
				Barnabie Pilkington, [son of Leonard Pilkington, rector of Whitburn,]	3	0	4

At this distance of time it is impossible by the glimmering light afforded by the Boldon Buke, to trace accurately the situation of the ancient manorial water corn mill at Sunderland. It cannot have been established upon the river, because the building of a dam there would have proved a serious obstacle to the navigation

	£	s.	d.		£	s.	d.
Ralphe Ffell an ancestor of				house now Whitburn Hall,			
Charles Richard Fell, Esq.,				the seat of Sir Hedworth			
Solicitor, Sunderland	0	40	0	Williamson, Bart., upon his			
George Bee	0	20	0	copyhold land adjoining the			
Steven Kaye	0	20	0	rectory house]	0	12	0
Robert Aire	0	41	6	Richard Atkinson	0	20	0
William Hutchinson	0	40	0	Tennt for terme of years :			
John Meryman (an ancestor				Joseph Wilkinson holdeth by			
of the family of Merriman				indenture, dated 23 Decem-			
of Boldon, Cleadon, &c.)..	0	40	0	ber, A ^o , 24 Eliz., p. 21 Ais.,			
John Lethanye	0	0	8	One Wynde Myll, rent ..	0	40	0
Leon ^d e Pilkington [brother				Perquisites of [Halmote]			
of James Pilkington, the				Courts in Whitborne, afore-			
first protestant Bishop of				said, with Clevedon after-			
Durham. He was rector				wards mentioned <i>com. ann.</i>	0	42	0
of Whitburn, and built the							

C L E V E D O N .

(COPIEHOLDERS.)

Thomas Lighe	0	46	0	Robert Chamber	4	16	3
Stephen Key	3	9	1	John Mathewe	0	38	6
John Meryman [an ancestor				Robert Aire	0	19	4
of the family of Merriman				Alice Mathewe	0	19	4
of Boldon, Cleadon, &c.]..	0	23	0	The said Alice Mathewe ....	.	.	.
Thomas Lighe more	0	38	6	John Meryman .....	.	.	.
The said Thomas Lighe	0	18	4				

E A S T B O L D E N .

(COPIEHOLDERS.)

	£	s.	d.		£	s.	d.
Thomas Plumpton	3	7	5	Jennett Hodge and Robt.			
Willm. Atchison	0	6	8	Smalles	4	9	3
Jennet Chamber	3	7	5	Robert Chamber	3	14	1
Willm. Todd	0	18	9	Richard Araye	0	30	0
Isabell Mathewe [an ancestor				Edward Robyson	0	30	0
of Mr. John Matthews, of				Archbalde Atcheson	0	30	0
Nicholson Street, Bishop-				John Hyne	4	3	0
wearmouth]	0	45	0	Willm. Jackson	0	45	4
John Thompson	5	4	6	Henry Mathewe	0	18	9

of the port, which bishop Pudsey was anxious to encourage: besides, the rise and fall of the tidal waters was another difficulty in the way sufficient of itself to deter any engineer of that day from attempting it. The probability is that is stood upon land known to have extended eastward, in continuation of the dene or road at the south end of the Town Moor leading to the dock, and across the small stream that divides the parish of Sunderland from the township of Bishopwearmouth, washed away centuries ago by the sea and since regained from it by the barrier beach of the dock. By building a wear across the burn just alluded to, the mill dam would stand upon the bishop's land, partly on the Town Moor of Sunderland, and partly on his Hall Moor or Great Field in Wearmouth.

There is something generally picturesque and poetical in the situation of water mills, and the site of this, on the

WEST BOLDEN.

(COPIERHOLDERS.)

	£	s.	d.		£	s.	d.
Willm. Atkinson .....	.	36	1	by Indent. from late Bush-			
Thomas Robison	3	3	4	opp Pilkinton <i>ut die</i> , One			
Robert Bedlinton .....	.	27	.	Close called Ffatherless-			
Edward Robison .....	.	25	6	filde .....	.	23	4
Richard Walshe .....	.	33	7	Perquisites of [Halmote]			
Thomas Hodge .....	.	.	6	Courts in East-bolden and			
Widowe Mathewe .....	.	2	6	in West-bolden, aforesaid,			
Tennet for terme of years :				<i>com. ann.</i>.....	.	20	.
Thom ^s Shawe, gent., holdeth							

It affords us much pleasure to add that Thomas Pollard, Esq., of Newcastle-upon-Tyne, whose wife is a descendant of the ancient family of Chamber, has lately become, by purchase, the proprietor of part of their patrimonial estate at Cleadon, after an alienation of upwards of a century and a half. Mr. Pollard subsequently re-sold Cleadon Tower (the ancient seat of the Chamber family) to Mr. J. Y. Gourley, shipowner, Sunderland, who had previously purchased another portion of the estate.

sunny side of what was undoubtedly, at one time, a boscy dene, would be uncommonly so. Snugly sheltered from the northern blasts, the mill with its little loop-hole windows peeping through the vista of trees and brushwood growing wild in the glen, and the thatched cottage of Roger the miller, overhung with ivy intermingled with the woodbine and the sweet-briar; having the sea, with its fleet of merchant ships and vessels sailing to and fro in the distance, would form a landscape particularly lovely.

THE MILLER.

In a plain pleasant cottage, conveniently neat,
With a mill and some meadows—a freehold estate.
A well-meaning miller by labour supplies
Those blessings the grandeur to great ones denies :
No passions to plague him, no cares to torment,
His constant companions are health and content ;
Their Lordships in lace may remark, if they will,
He's honest, tho' daub'd with the dust of his mill.

Ere the lark's early carols salute the new day,
He springs from his cottage as jocund as May ;
He cheerfully whistles, regardless of care,
Or sings the last ballad he bought at the fair.
While courtiers are toil'd in the cobwebs of state,
Or bribing elections, in hopes to be great,
No fraud or ambition his bosom e'er fill ;
Contented he works if there's grist for his mill.

On Sunday bedeck'd in his home-spun array,
At church he's the loudest to chant or to pray.

He sits to a dinner of plain English food ;
 Tho' simple the pudding, his appetite's good.
 At night, when the priest and exciseman are gone,
 He quaffs at the alehouse with Roger and John,
 Then reels to his pillow, and dreams of no ill ;
 No monarch more bless'd than The Man of the Mill.

Cunningham.

In the survey of the possessions of the see of Durham, made by order of Bishop Hatfield, about the year 1380, no mention is made of this mill dam, from which it may be presumed it had disappeared before the compilation of that important record.

After the death of that most princely and powerful prelate Bishop Pudsey, the see of Durham remained vacant more than two years, during which time the crown seized and kept possession of the temporalities. The convent at Durham as well as the people of the palatinate, suffered much injury and oppression from the officers of the crown,* who rendered an account of the assized rent of the manors of the bishoprick, and the tallage† thereof; the aids of the churches and parsons; the pensions of the churches; the fines of clerks; the scutage‡ of knights;

* Hutchinson's Durham, vol. I. p. 184.

† Tallage was a part of the crown revenue which was paid by the king's demesnes, escheats, and wardships, and by the boroughs and towns of the realm. It was not chargeable on land held by frank-almoigne, or knight's service; and in certain cases estates and persons were exempt by grant of the king. Some inferior lords in like manner received tallage from some of their tenants who were similarly circumstanced as those of the crown. In these cases it appears that grants had been made of lands, with the tallage thereof. The inferior lord, however, could only raise a tallage when the king made a similar exaction on his demesnes; and this was done by a writ from the king to the sheriff of the county in which the lord's land lay.—*Appendix to Greenwell's Translation of the Boldon Boks.*

‡ Scutage or knight's service was the most universal and honourable kind of

finer of servants of the bishop ; fines for lands ; issues of the baronies, and of the profits of minerals and exchange. § "Of the tallage of the manors, the town of Sunderland renders account of fifty-eight shillings. In the treasury, twenty-seven shillings. And it owes thirty-one shillings. The town of Wearmouth renders account of thirty-seven shillings and fourpence. In the treasury thirty-one shillings and a penny. And it owes six shillings and threepence. The town of Tunstall renders account of four pounds, eight shillings, and fourpence. In the treasury seventy-five shillings and eightpence. And it owes twelve shillings and eightpence. The town of Burdon renders account of fifty shillings and eightpence. In the treasury forty-three shillings and ninepence. And it owes six shillings and elevenpence. Richard and William, the farmers of Ryhope, owe forty-three shillings and fourpence. Of the scutage, Alexander de Hilton renders account of four pounds. In the treasury forty shillings. And he owes forty shil-

tenure. The land required to form this tenure was called a knight's fee, and was of varied extent ; in the third year of Edward the first (1275), it was estimated at twelve carucates, and valued at £20 yearly. The service rendered was that the holder of the fee should attend his lord to the wars forty days if required. In the Boldon Buke we have instances of persons holding a half and other proportions of a knight's fee, for which they were bound to serve half the number of days allotted to a knight's fee, or quarter, in proportion to the part of it which they held. In time this service was commuted for money-payment, called scutagium, scutage, or *eccuage*. To tenure by knight's service there belonged the following burdens,—aid, relief, wardship, marriage, fines for alienation, and escheat.—*Greenwell*.

§ Profit of Exchange is that profit which was made by buying bullion, and issuing it again in the shape of coin at an increased value. It was an exclusive privilege of the crown to purchase the precious metals, and officers were appointed to receive bullion, giving coined money in return.—*Greenwell*.

lings. Roger de Audry owes four marks for the same. Of the fines of the servants of the bishop, Stephen de Hendon renders account of twenty marks. In the treasury ten marks. And he owes ten marks"—Pipe Roll of the Exchequer, London, 8 Richard I., A.D. 1197.

Amongst the records in the custody of the Master of the Rolls, pursuant to the statute of the first and second years of the reign of Queen Victoria, c. 94, and preserved in the Tower of London, to wit, Charter Roll, is the following charter of the thirty-first year of the reign of King Henry III.

"The King to the Archbishops, Bishops, and Barons, greeting.



Know ye that we have granted and by our charter confirmed, for us and our heirs, to our burgesses of the new borough of Warnemuth, that they and their heirs for ever may have all the same liberties and free customs which our burgesses of Newcastle-upon-Tyne have by the charter of the Lord John the King, our father, that is to say, that none of them by any one shall be distrained without our borough Warnemuth, to render to any one any debt whereof he is not the principal debtor or pledge. And we also have granted to the same a merchants' guild,*

* Guild (from the Saxon *gildan*, to pay) signifies a fraternity or company, because every one was *gildare*, that is, had to pay something towards the charge and support of the company. As to the origin of guilds or companies in Britain, it was a law among the Saxons that every freeman of 14 years of age should find sureties to keep the peace, or be committed. This led to the formation among neighbours of associations, each consisting of ten families, which became bound for one another, either to produce him who committed an offence, or to make satisfaction to the injured party; and that they might the better do this, they raised a sum of money amongst themselves, which they put into a common stock, and when one

and that none of them who shall be within the merchants' guild, shall plead without the borough, concerning any pleas except pleas of foreign tenures. And we have granted to them that none of them should try by combat, and that concerning pleas to our crown pertaining, they may justify themselves according to the ancient custom of the city of Winchester. And that all the burgesses of the aforesaid borough of Warnemuth, and their heirs of the merchants' guild, may be quit of toll,* lastage,† pontage,‡ and passage,§ as well in fairs as without, and throughout all the parts of all our lands, as well on this side the sea as beyond; and that no one shall be judged of amer-

of their pledges had committed an offence and fled, then the other nine made satisfaction out of this stock, by payment of money, according to the offence. Because this association consisted of ten families, it was called a *decenary*; and hence arose other kinds of fraternities. But as to the precise time when these guilds had their origin in England there is nothing certain to be found; since they were in use long before any formal license was granted to them for such meetings. It seems to have been about the close of the eleventh century, according to Anderson (*History of Commerce*, I., 70), that merchant guilds, or fraternities, which were afterwards styled corporations, came first into general use in many parts of Europe. Madox (*Firma Burgi*, c. I., s. 9) thinks they were hardly known to our Saxon progenitors, and that they might probably have been brought into England by the Normans, although they do not seem to have been very numerous in those days. The French and Normans might perhaps have borrowed them from the free cities of Italy, where trade and manufactures flourished at a much earlier period, and where such communities appear to have been first in use. These guilds are now companies or associations, having laws and orders made by themselves, in virtue of authority from the prince to that effect.—*Encyclopædia Britannica*.

* Toll, a payment made for liberty to buy and sell, for goods sold in any fair or market within the manor, and for liberty to make and vend, as in the case of beer.—*Greenwell's Glossary to Hatfield's Survey*.

† Lastage, a liberty to carry their goods up and down in fairs and markets, where they please.—*Brady on Burghs*.

‡ Pontage, toll paid for passage over bridges with horses, carriages, &c., and under them with boats, ships, &c.—*Ibid*.

§ Passage, money paid by passengers at bridges, gates, &c.—*Ibid*.

cements* of money, unless according to the ancient law of the aforesaid city of Winchester, which they had in the time of our ancestors.

“ And that they shall have all their lands, and tenures and pledges, and all their debts may have whosoever those to them shall owe. And concerning the lands and tenements which are within the borough aforesaid, right shall be kept with them according to the custom of the city of Winchester. And that concerning all their debts which shall be contracted at the borough of Warnemuth, and of pledges there made, pleas shall be holden there.

“ But if anyone in all our land shall take toll from the men of Warnemuth after he shall have withdrawn from

* *Amercement.* An amercement was originally much of the same nature as a fine, and in earlier writings of the feudal period is not readily to be distinguished from it. The distinction, however, which was afterwards carefully observed is, that an amercement is a sum of money imposed for a crime or trespass, a fine, an offering made for a grant or privilege. Amercements were imposed out of the exchequer on an individual, or on the inhabitants of a town, for various causes, as for the crimes of murder or manslaughter; for misdemeanors, such as harbouring thieves, forbidding jurors to do the king's assize, taking toll illegally, holding intercourse with the enemy, fighting a duel where it should not have been fought, putting persons to an ordeal without warrant, burying persons found dead without view of the king's or sheriff's servants, stopping a watercourse, taking a royal fish, &c.; for disseins; for recreancy in refusing or absenting from a duel; for breach of assize; for defaults, as withdrawing from a plaint, not having a jury ready, not coming before the justices; for non-appearance at the court when summoned; for trespasses of various kinds, as ploughing the highway, exporting corn without license, asserting something which could not be proved, hanging a robber unjustly, false judgment, false testimony, conniving at robbery, or not stopping goods known to be stolen, not doing suit and service, having weapons contrary to the assize hunting without leave, not coming to be married when summoned, taking a bribe, selling wine or beer contrary to the assize, and various matters of a like kind.—*Appendix to Greenwell's Translation of the Bolden Buke.*

trial, the sheriff of Northumberland, or the reeve* of Warnemuth shall take distress thereof at Warnemuth.

"We also have granted for the amendment of the same borough, that all shall be quit of yeresgive† and of scotale,‡ so that no one, our sheriff, or any other bailiff, shall take scotale within the said borough; but if the customs were unjustly levied in time of war, let them be altogether quashed.

"And whosoever shall come to the borough of Warnemuth with his merchandize, of whatever place they be, whether strangers or others, shall come, stay, and depart, in our safe peace, rendering the right and due customs, and we forbid that none other shall cause them hindrance.

"Wherefore we will and strictly command for us and our heirs, that our aforesaid burgesses of Warnemuth and their heirs for ever, may have and hold all their liberties and acquittances aforesaid; together with all other liberties and free customs which the burgesses of Newcastle-upon-Tyne had in the times of our ancestors, when they

* Reeve, greeve, or bailiff (see page 215, *note*). As will be noticed hereafter, Sunderland was for centuries governed by a bailiff.

† Yeresgyve. This word occurs in a great variety of spellings: "Jeresgiene, jeresgeue, gersuma, jeresumma, gyeresgyver, gressume, zeresgen," &c., all signifying the same thing. Brady says it means a bribe or reward given to the king's or other officers for connivance, and being favourable in their office, but properly an income, or fine paid for the entrance upon some place, office, or estate. According to Blount, who derives it from the Saxon *gersuma*, sumptus, premium, it signifies first, an income, secondly, a fine for a fault, and lastly, is taken for an exaction or demand.

‡ Scotale, from *scot*, a gathering or shot, and *ale*, in the known signification. Scotales were abuses put upon the king's people by his officers, who invited them to drink ale, and then made a collection, to the end they should not vex or inform against them for the crimes they had committed, or should commit.—*Brady on Boroughs*.

better and more freely had them, well and in peace, fully and wholly in all places and things as is aforesaid.

Witnesses: P. Bishop of Hereford; R. de Clare, Earl of Gloucester and Hertford; Roger de Bygod; Marshall, Earl of Norfolk; John de Plesshey; William de Cantilupe; Ralph Fitz Nicholas; Philip Bassett; Bertram de Greol; Robert de Mucegros; Poulin Peyrer, &c., &c.

"Given under our hand at Woodstock, the twenty-sixth day of April," [in the year 1247.]

On the trial of the cause at the Carlisle assizes, before Mr. Justice Edward Vaughan Williams and a special jury, (referred to in page 223) Mr. Thomas Edlyne Tomlins, of Barnards Inn, London, who had practised for many years as a record agent, produced the above charter on behalf of the defendants, from the record office, in the Tower of London. Mr. Tomlins stated, on his examination, that he found "Durham" attached to both Warnemuth and Wearmouth in the calendar of the records in the Tower.

This charter was granted by the weak-minded Henry III., during the episcopacy of Bishop Nicholas de Farnham, who reluctantly accepted the see of Durham, in 1241, and obtained leave from the pope eight years before his death, at Stockton, in 1257, to resign it. He was buried in the chapter-house at Durham. Henry probably had presumed upon the peaceable character of this bishop when he violated his palatinate rights by granting this charter. Walter de Kirkham, Dean of York, a monk, and the founder of Kirkham Abbey, was elected successor to Bishop Farnham, December 5, 1249.

We meet with an indulgence granted by Bishop Kirkham, in the eighth year of his pontificate, for twenty days, to all those who would assist, either with money or labour, in the building and repairing his third part of Tyne Bridge, which being originally built of wood, was burnt in the year 1248, and was at this time built with stone. This prelate died August 16, 1260, and was also buried in the chapter-house at Durham.



CHAPTER V.

THE PRIORY OF FINCHALE AND VARIOUS OTHER RELIGIOUS HOUSES HELD PROPERTY IN SUNDERLAND. ANCIENT CHANTRY OF SAINT MARY IN SUNDERLAND. ORIGIN OF THE NEW TOWN OF SUNDERLAND. DESTRUCTION OF THE FURNITURE, FITTINGS, AND EFFECTS OF THE ROMAN CATHOLIC CHAPEL.

DURING the period of the Roman Catholic supremacy in England, it was the custom of pious and benevolent persons to give or bequeath certain rents, houses, or lands for the endowment and maintenance of certain religious houses, guilds, or chantries, wherein

Mass was sung and prayers were said,
And solemn requiem for the dead,
And bells tolled out their mighty peal
For the departed spirit's weal;
And ever in the office close
The hymn of intercession rose.

Sir Walter Scott.

Amongst other kindred establishments in the neighbourhood holding property in Sunderland at the time alluded to was Finchale* Priory, as appears by the following charters :†—

* Commonly called Fenkle, Finkle, or Finkley Abbey. About three miles north of Durham, in a secluded spot, on the northern side of the Wear, in the parish of

† Translated from the volume entitled "The charters of Endowment, Inventories, and Account Rolls, of the Priory of Finchale, in the County of Durham," published by the Surtees Society, in 1837.

I. "To all the faithful in Christ to whom the present writing shall come, Ettok de Clowcroft greeting in the Lord! Know ye that I renounce and quit claim, in my free widowhood, to Peter de Newton, all right and claim which I have, or may have, in one burgage with its appurtenances, in the town of Sunderland—namely, that burgage which

Saint Oswald, are the ruins of Finchale Priory; they are beautifully situated in a low vale bordering on the river, which flows in a circular direction beneath the cliffs of Cocken, and cover an extensive plot of ground, but are so much dilapidated, that the original appropriation of their respective parts can only be traced with difficulty, and several portions of the walls are hid beneath a profusion of ivy,

"—— Which now with rude luxuriance bends
Its tangled foliage through the cloister'd space,
O'er the green windows' mouldering height ascends,
And fondly clasps it with a last embrace."

The remains of the Priory, in conjunction with the opposite cliffs of Cocken (the property of William Standish Standish, Esq., of Cocken Hall,) rising with amazing grandeur, compose a peculiarly fine and interesting scene. During the summer months, frequent excursions are made to this delightful place, which never fails to afford a high gratification to those who love the wild, the grand, and the sublime. No situation could have been found better adapted to monastic seclusion than the site of these ruins, which is well calculated to impress the superstitious mind with feelings of religious enthusiasm. Finchale appears to have been of some note in the Saxon era, a synod, according to the Saxon Chronicle, having been held there in 788, and another, according to Leland, in 810; it is likewise famous for having been the scene of the austerities of Saint Godric, who, during the long period of sixty years, led a hermit's life in this sylvan solitude. A somewhat quaint and curious version of the life of Godric is thus given by Robert Hegge:—"St. Godric in his younger days was a pedlar, and carried his moveable shop upon his back, from fair to fair. Afterwards, to make a better fortune, he ventured into Flanders, Denmark, and Scotland, and by the way used to visit the Holy Island, much delighted to hear the monks tell stories of Saint Cuthbert, which so deeply affected him, that he would needs, in heat of devotion, undertake a pilgrimage to the Holy Land; and again after his return into England, by the advice of Saint Cuthbert in a dream, he repaired to the holy sepulchre, and washing his feet in Jordan, there left his shoes vowing to go barefoot all the days of his life after. At his second return, he was admonished by Saint Cuthbert in his sleep, to build him an anchorage at Finchale, near Durham, where he lived in that heat of devotion, that he used to stand praying up to the neck in the river, which ran by his cell, which holy custom so angered the devil, that once he stole away his clothes, as they lay on the bank. But Godric

Walter de Musewell, formerly my husband, in his and my great need sold to the said Peter. And that this my

spying him, back he straight brought him with an Ave-Marie; and forcing the devil to be just, against his will, made him restore them, which were so coarse, that I think he that stole them would scarce have worn them. For his jerkin was of iron, of which suits of apparel he wore out three in the time of his hermitage, a strange coat, whose stuff had the ironmonger for the draper, and a smith for the tailor: neither was his lodging much unsuitable to his clothes, who had the ground for his bed, and a stone for his pillow. His tutinary angel oft played the sexton, and rang his bell to awake him to his nocturns, who for want of beads used to number his prayers with pebble stones. His diet was as coarse as his coat, and as his shirt was of sackcloth, so half the meat that made him bread was ashes. The devil used to act Proteus before him, and with his shapes, rather made him sport than affrighted him. Only once as Saint Godric sat by the fire, the devil came behind him and gave him such a box of the ear, that had felled him down, if he had not recovered himself with the sign of the cross. He had the Psalter continually hanging on his little finger, which with use was ever after crooked." Other authorities say that Godric, besides mixing ashes with the flour for his bread, kept it three or four months before he ventured to eat it, lest it should be too good! Like Saint Anthony, he was often haunted by fiends in various shapes; sometimes in the form of beautiful damsels, and so was sore visited by evil concupiscence, of which he cured himself by rolling among thorns and briars. When his body grew ulcerated, he increased the pain by pouring salt into the wounds: by these uncommon penances and miracles, which he is said to have wrought, (amongst which Lambarde says that his "pilgrimage was profitable to barren women,") he obtained so much renown, that he was admitted into the calendar of saints. From the life of Godric, written by Reginald, a monk, and probably the historian of Durham, who was personally acquainted with the hermit, it appears that the saint was born of humble parents at Walpole, in Norfolk. He resided with his parents for some time on the Lincolnshire coast, near the river Welland. Soon after he attained man's estate, he engaged in merchandize, and continued so occupied for sixteen years. He acquired a ship, in which he traded to Denmark and elsewhere, and became himself a sailor. He made sundry pilgrimages to Rome, Jerusalem, and other foreign and continental shrines, and on his return took up his abode for a short time at Carlisle, where he fully learned the Psalter. He afterwards withdrew from human society for nearly two years, and lived in the woods upon herbs, and among the wild animals. For a time he abode in the hermitage of Wolaingham; then at Eskdaleside near Whitby; afterwards at Durham, and finally at Finchale.

The original Finchale stood about a mile above the present Finchale, on the same side of the river, and became, by the gift of Bishop Flambard, the residence of Saint Godric, about the year 1110. Here Godric resided for a while, and stubbed and cultivated the little plot of ground (still known as Godric's garth)

quit claim be of perpetual force, I have confirmed the present writing by adding my seal. *Witness:*

assigned to him. Of this first Finchale there are distinct traces: remains of old walls covered with ivy, lines of masonry covered with earth and turf, and a smooth green sward, marking ancient care and cultivation. The little plot of ground which comprises about a quarter of an acre, is of a triangular shape, bounded on one side by the river Wear, a brook on another, and a ditch on the third: the ruins of a modern cottage stand in the midst of it. Afterwards, the holy man discovered a plot of ground (the present Finchale,) in another part of the deep solitude of the wooded banks of the Wear, which formed a more favourable situation. Accordingly he removed from his original garth, and on the spot of ground more after his own heart, he built his chapel, dedicating it to Saint John the Baptist, and when this had been done, Bishop Flambard granted the reversion of the hermitage, its fishery, rights, privileges, and possessions to the prior and convent at Durham. By the Bishop's charter, Godric was to hold the hermitage of the prior and monks of Durham for his life; and the monks, after the death of their brother Godric, were to be at liberty to place in it any other of their brethren.

Saint Godric died on the twenty-first day of May, 1170, and soon afterwards Bishop Hugh Pudsey had confirmed to the monks of Durham, the gift of his predecessor, and had conferred upon Reginald and Henry, the two Durham monks in possession, and their successors, the tract of land contiguous to the hermitage, which now chiefly constitutes the Finchale Farm. Such was the state of Finchale in 1196, when Henry Pudsey, the eldest of three natural sons of Bishop Pudsey, by Adela de Percie, in penitential compliance, was compelled to transfer to it the possessions of the new place at Baxterwood, about a mile from Durham. There was a small church or oratory, a salmon fishery in the Wear, a place of residence sufficient for two monks, and their attendants, and nearly the whole of the present Finchale farm, three acres of land at Bradley, and two bovates at Sadberge, for their maintenance.

In the latter half of the twelfth century, certainly after the year 1180, Henry Pudsey, having become possessed of the vill of Wingate and Haswell, near Durham, founded a monastery at the latter place, and conferred the two upon persons of a religious order, which, however, is not named; but that they were a branch from the church of Gisburne or Gisborough, in Yorkshire, may not be doubted. In the charter of a subsequent benefactor, the newly founded monastery is called the church of Saint Mary of Haswell. A doubt, however, may arise whether the building of any ecclesiastical edifice was ever actually commenced at Haswell (the ruins near that place being apparently those of a chapel of small dimensions, and of a much later date), as we almost immediately afterwards find the same, and other more extensive possessions, conferred by Henry Pudsey and other donors upon a newly-founded monastery, situated in a warm glen, upon the Brownie streamlet, at a place called Baxterwood. Haswell could boast of no such natural beauties of

Galfrid de Ryhope, Ely de Wearmouth, Henry the

wood and water, and this was probably the reason why it was deserted. This second monastery was also dedicated to the Virgin; it was to be called the New Place upon the Brun; and we find the canons of Gisburne specifically recognized as the Ecclesiastics by whom it was to be peopled. A detachment from the monastery, under the superintendence of Stephen, one of its dignitaries, was deputed by the mother church for the purpose; but no progress seems to have been made in the building of the New Place on the Brownie, as the most accurate search has not been able to detect even the lines of a wall or a foundation. The situation is extremely beautiful, and, upon a small scale greatly resembles that of Finchale. The infant establishment met with other benefactors in addition to Henry Pudsey, their chief patron; but, as might naturally have been expected from their vicinity to the rich and firmly seated church of Durham, from their being of a different order from that establishment, and from the intermixture of their possessions, harmony did not long prevail between the two. Galfrid of Coldingham informs us of the various modes by which the monks of Durham harassed the settlers, till at last, as he says, Henry Pudsey, sorry for what he had done, begged pardon for his presumption, and an agreement was entered into that he should abandon the canons of Gisburne, should take possession of the church of Finchale, should confer upon it the possessions previously conceded to our lady of the New Place upon the Brun, should stock it with monks from Durham, and should subject it and them and their rights to the jurisdiction of their mother church. The church of Gisburne was conciliated by concessions elsewhere in the county, and for a while at first, Stephen the superior of the New Place, seemed to favour the arrangement. He eventually, however, became restive and opposed the arrangement, but, being overpowered by ecclesiastical domination (the pope, the monks of Durham, and a promise into the bargain, were not easily resisted), he failed in his opposition, and means were adopted to compel him to resign the foundation charters of the establishment, over which he had for so short a time presided.

When Henry Pudsey transferred the possessions of the New Place at Barterwood, he reserved to himself and his heirs the right of appointing the prior, and in the year 1196, conferred the dignity upon Thomas, the Sacrist of Durham, who was the first to hold an office, which afterwards was in such high repute, but before his death the founder conceded his privilege of appointing the prior to the prior and convent of Durham. The founder also, by his charter, ordained a perpetual daily distribution of alms, in bread, drink, and vegetables, among paupers and divers indigent persons, who should resort to the monastery of Finchale; and the charitable purpose of the donor was fulfilled as long as his monastery existed.

It may be stated, that besides the property granted to the hermitage by Bishop Flambard, and that which was conferred by the charter of Bishop Pudsey, and the manors of Wingate and Haswell, and the land in Hetton, granted by their founder, Henry Pudsey, as already mentioned, they had land by his gift at Yokeflete, in the

bailiff* of Sunderland, Roger son of Hulot, William son of Jordan, William Hunting, Bertilot son of John, Robert the Carter, Alexander son of Elwin, Osbert son of Jordan, and others."

Small round seal of white wax—a fleur de lis. + SIGI...

East Riding of York; land at Bradley, which appears to have been conferred on the monks before Pudsey's foundation; land in Little Stainton; at Wudeshend in the parish of Chester-le-Street; and a toft and a croft at Brandun; land and a fishery at Cocken; land at Softley, Spirlswood, and Lumley; at Fery-manside, near Cocken ford; and at Newton, near Durham; at Amerston, near Elwick, and at Castle Eden; land at Hutton; land and a mill at Coxhoe; land and a rent-charge in the manor of Thorpe; at Hollingside; at Iveston; at Yupeton and at Smallees, in the parish Wolsingham; the fishery of Crook in the Tyne; common of pasture at Baxterwood, and a house in the North Bailey, at Durham; rent-charges from Hartlepool, Nelston, Embleton, and several other places already named; burgages in Sunderland; and wheat from Hart, and from Owton, in the parish of Stranton. Amongst their possessions were the advowson and appropriation of the church of Giggleswick, in the West Riding, given by Henry Pudsey, and confirmed by Bishop Hugh Pudsey, and the appropriation of the church of Bishop Middleham. Amongst the royal confirmations is one of Henry the second, who, at Knaresborough, in the presence of Bishop Hugh Pudsey and other nobles, granted to "God and the Chapel of Finchale," two bovates of land of his demesne, at Sadberge, &c., &c.

At the time of the dissolution of religious houses in England, the yearly revenues of the priory were valued at one hundred and twenty-two pounds, fifteen shillings and threepence. In the thirty-third year of the reign of Henry VIII. (1541), the church and the possessions of the house were granted by the crown to the Dean and Chapter of the new cathedral church of Durham, and now remain attached to one of her prebendal stalls. The Rev. Henry Douglas, M. A., better known as Mr. Canon Douglass is now, in right of his stall in Durham cathedral, the owner of the priory of Finchale, and has manifested his taste by doing much to preserve its venerable ruins, and free them from the accumulated impurities of three centuries.—*Hutchinson's Durham, Hegge's Legend of Saint Cuthbert, Lambard's Topographical Dictionary, Raine's Preface to Finchale Charters, and Gibson's Notices of Northumbrian Castles, Churches, &c.*

* Or reeve, head-borough, superior, or mayor, for thus variously has the Latin word *prepositus* been translated.

II. "To all the faithful in Christ, to whom the present writing shall come, Peter de Newton, greeting in the Lord. Know ye that I have sold, and by the present charter confirmed to Ralph the prior,* and to the monks of Finchale, one burgage, with croft and buildings, and all its appurtenances in the town of Sunderland; that is the same which Walter de Musewell sold to me; to have and to hold to the prior and monks of Finchale and their assigns for ever, with all liberties, free customs, and easements† pertaining to the said burgage, within the borough‡ of Sunderland, and without it, and everywhere. And that this my sale be of perpetual force, I have confirmed the present writing by affixing my seal. ~~Witnesses~~ : Galfrid de Ryhope, Hely de Wearmouth, Henry the bailiff of Sunderland, Roger son of Hulot, William son of Jordan, William Hunting, Bertilot son of John, Robert the carter, Alexander son of Elwin, Robert son of Jordan, and others."

Seal—a star of six rays. S. PETRI DE NEVTONA.

III. "To all the faithful in Christ, to whom the present writing shall come, Ysoda, formerly wife of Gerard a servant, greeting. Know all of you, that I, in my free widowhood and full power, quit claim, and by the present writing confirm to the prior and monks of Finchale,

* Prior Ralph, mentioned in this charter, was contemporary with Thomas Melsonby, Prior of Durham, from 1233 to 1244.

† Easement, a convenience which one neighbour has of another, by grant or prescription; as a way through his land, a water course, or a prospect over his grounds, &c.,—*Cabinet Lawyer*.

‡ It would appear that Sunderland had been incorporated or erected into a borough under its present name sometime anterior to the date of this charter.

all right and claim which I have in one burgage, with its appurtenances, in Sunderland, that is to say, the burgage which is between the burgage of Reginald Blund and the burgage of Matilda Colbain. And lest I, Ysoda, or my heirs, should sell either right or claim in the said burgage, I have confirmed the present writing by the addition of my seal. ~~Witnesses~~ : Amfrid son of John Blund de Tunstall, Walter son of Henry de Sunderland, William Lauerd of the same place, Alexander son of Robert de Clowcroft, Roger May, Richard son of the chaplain, William de Warden, Pain son of Nicholas de Sunderland, and others."

Seal wanting.

IV. "To all the sons of holy mother church, who shall see or hear this charter, Walter Pinchard, greeting in the Lord. Let it be universally known that I, through charity, and for the salvation of my soul, and the souls of my predecessors and heirs, give, grant, and by the present charter confirm to God and the blessed Godric and the prior and monks at Finchale, servants of God, and the house of charity at that place, one toft* and croft† in

* Toft, a messuage or house, or rather the place where a messuage once stood that has fallen into decay.—*Crabb's Tech. Dictionary*. Cowell says a toft is a piece of ground on which a house formerly stood, and B. Haldorsen describes it as "area domus vacua, a tomr (empty)." The modern Danish definition is a piece of land adjacent to the house of a peasant. It appears most probable that it was a piece of ground on which the cottage and offices of a servile holder stood, perhaps including a small garden. It may have got its name from the clump of trees among which each cottage was placed. It is generally found in conjunction with *croft*,—the one the house and garden, the other a small close adjoining.—*Greenwell*.

† Croft, a little close adjoining to a dwelling house, enclosed for pasture, arable, or any particular use.—*Crabb*.

the town of Sunderland, in breadth forty feet, on the north side of and near the road at the entrance of the town, adjoining the enclosed land of the bishop towards the east, and the same in length to the water which is called Wear, in exchange for that land which I gave in the town of Herrington; to have and to hold to the aforesaid prior and monks of Finchale, and the house of charity at that place, in free, pure, and perpetual charity, as freely, quietly, and honourably as any charity is freely, quietly, and honourably held and possessed in the bishopric of Durham. And I, Walter Pinchard, and my heirs, the aforesaid toft and croft, with all its appurtenances, liberties, and easements pertaining thereto, in the town of Sunderland, within the town and beyond it, and everywhere, to the prior and monks of Finchale and the house of charity at that place, against all men and in all things for ever will warrant and defend. And that this my gift and grant be of perpetual force, I have ratified the present writing by the addition of my seal. ~~Witnesses~~ : William Basset de Offerton, Marmaduke de Silksworth, Richard son of Ralph de Herrington, Walter son of William of the same place, Robert son of Robert de East Herrington, Roger son of Hugh de Sunderland, Henry son of the chaplain, Galfrid de Ryhope, Ely bailiff of Wearmouth, and others."

Seal in a bag, broken to pieces.

V. "To all the sons of holy mother church, who shall see or hear this charter, Walter Pinchard of Herrington, greeting. Know ye that I, through charity, and for the

salvation of my soul, and the souls of my predecessors and heirs, give, grant, and by the present charter confirm to God and the blessed Godric, and the prior and monks of Finchale and house of charity at that place, one toft and croft in the town of Sunderland, on the west side joining the cultivated land of the lord bishop, in breadth forty feet, near the road ; to be had and held of me and my heirs for ever, in free, pure, and perpetual charity, as freely, quietly, and honourably as any charity in the bishopric of Durham is freely, quietly, and honourably held and possessed, within the town and beyond it, with all liberties and easements pertaining to the aforesaid town of Sunderland. Wherefore I will and grant the said prior and monks of F[inchale] the aforesaid toft and croft have, hold, and possess in perpetuity, freely and quietly from all customs and demands. And I, Walter [Pinchard] and [my] heirs and croft, with its appurtenances aforesaid, to the prior and monks, as is before recited, against all men and women will warrant and defend. And that this my gift remain firm and stable, I have put my seal to the present writing. **Witnesses :** Marmaduke son of Galfrid, Philip de Lei, Reginald Punchard, Peter de Peth, Galfrid de Ryhope, Ely de Wearmouth, Nicholas the deacon, William Hunting, Roger son of Hulot, and others."

Seal wanting.

At this distance of time, after so many changes local and political have taken place, it becomes extremely difficult, if not impossible, to identify, with any degree of accuracy, the sites of the various patches of property thus

conferred for ever upon the priory of Finchale.* The charitable and pious donors seem to have held their little estates, most probably by lease, of the bishops of Durham for the time being as lords of the manor or borough of Sunderland, as we afterwards meet with a long series of payments under the name of landmale, paid to the bishops of the diocese for the same.

In connexion with this subject, we shall now lay before our readers a few extracts from the "Account Rolls" of Finchale priory relative to the aforesaid property. We have separated the entries, which are extremely curious and valuable, into five divisions, in chronological order, as they appear in the rolls.

* Upon the dissolution of Finchale Priory, when the manor and cell was given by Henry VIII. to the newly created Dean and Chapter of Durham, the outlying property of the priory at Sunderland (then, according to the *Valor Ecclesiasticus*, vol. V., page 303-4, of the gross annual value of ten shillings; subject, however, to the payment of twelve pence per annum to the Lord Bishop of Durham, as chief lord of the fee,) no doubt would pass to the chapter as a matter of course. Within recollection, and in fact down to about the year 1830, during the episcopacy of Bishop Van Mildert, there were several properties of Dean and Chapter tenure in Sunderland, which, in all probability, were some of those originally granted to Finchale. The original custom house of the port of Sunderland and its quay, at the west end of the low quay; the house 129, High Street, opposite to Silver Street, the residence and property of Brass Crosby, Esq., solicitor, previous to his removal to London, of which city he became an alderman, (he served the office of lord mayor in the year 1770—1771, when the inhabitants of Sunderland presented an address to him and Aldermen John Wilkes, and Richard Oliver, highly approving their magisterial conduct in supporting the rights and liberties of the people, conduct worthy to be followed by the magistrates of the present day), which was afterwards many years in the ownership and occupation of the late Mr. William Dunn, shipowner and pawnbroker; and the place known as Ettrick's garth, or Dean's Yard, near the Long Bank; these were all Dean and Chapter property, and enfranchised under the act for enabling that body to found the University of Durham.

DEBTS WHICH THE HOUSE OF FINCHALE IS INDEBTED.

1439, John Robinson, of Sunderland, ...	£0	16	0
„ Galfrid Mawer, of Sunderland, ...	0	11	0

ASSIZE RENTS.*

1510, Sunderland, ...	£0	10	8
—11, Sunderland, ...	0	10	8
—16, Sunderland, ...	0	10	8
—25, Sunderland, ...	0	10	8
—28, Sunderland, ...	0	10	8
—35, Sunderland,† ...	0	10	0

ARREARS.†

1367, John, the parson of Sunderland,§ ...	£0	2	9
—67, Thomas Nicholson, for land in Sunderland,	0	2	3
—95, Land in Sunderland, ...	0	2	3
—97, John Ward, for a tenement in Sunderland,	0	4	6
—98, William Hogg, for a toft and croft in Sun- derland, ...	0	4	6
1403, Galfrid Eltham, for a tenement in Sunderland	0	2	3
—11, Robert Jackson, of Sunderland, (two years)	0	4	6
—15, Robert Jackson, ...	0	4	0
—31, Robert Jackson, for a tenement in Sunderland	0	4	0

* Annual Rents receivable by the prior and monks of Finchale for their Sunderland property: they had, however, some bad tenants, as the next batch of entries clearly indicates.

† This entry is from the *Valor Ecclesiasticus*, vol. V. page 303.

‡ Or arrears of money in the yearly accounts of the priory; for even then as now "the needful" was not always forthcoming.

{ This reverend gentleman's account seems to have been standing unpaid since 1355. *Account Rolls*, page 75. Whether the holy brethren ever received it is not known.

ALLOWANCES.||

1510, For one tenement waste in Sunderland,	£0	10	0
—11, For one tenement waste in Sunderland,	0	8	0
—16, For one tenement waste in Sunderland,	0	4	0

EXPENSES FOR NECESSARIES.

1468, Paid for fourscore wainscot boards, *	}	£0	23	4
bought at Sunderland,				
—82, Paid the lord bishop for the landmale†	}	0	2	2
and suit of court in Sunderland, ..				
Paid a similar payment for the three	}	0	6	6
preceding years,				
—83, Paid the lord bishop for the landmale	}	0	2	2
and suit of court in Sunderland, ..				
—84, Paid ditto ditto ditto ...		0	2	2
—85, Ditto ditto ditto ditto ...		0	0	20
—86, Ditto ditto ditto ditto ...		0	0	12
—87, Paid the bishop for the landmale in Sun-	}	0	0	12
derland,				
—88, Paid the lord bishop for the landmale	}	0	0	12
in Sunderland,				

|| Or allowances in various accounts. Their Sunderland property must have been much dilapidated to render such heavy allowance or reduction necessary.

* Wainscot not being the produce of this country, it appears that Sunderland must have had some—perhaps considerable—intercourse and trade with foreign countries at this time. Shipbuilding was established at least a century and a half before.

† Landmale a reserved rent, or annual sum of money, charged upon a piece of land by the chief lord of the fee, or a subsequent meane owner.—*Rains*. The bishops of Durham were then, and until recently were still, chief lords of the fee of Sunderland. The copyhold and leasehold properties in it, held under the Ecclesiastical Commissioners, now (1857) pay trifling annual sums to them under the name of "out rent," formerly the landmale.

—89, Ditto	ditto	ditto	ditto	...	£0	0	8
—90, Ditto	ditto	ditto	ditto	...	0	0	8
95, Paid the lord bishop of Durham for the	landmale and suit of court in Sunderland				0	0	12
1510, Paid the lord for the landmale and suit					0	0	12
	of court in Sunderland, ...						
—11, Paid the lord bishop for ditto ditto, ..					0	0	12
—16, Ditto	ditto	ditto	ditto	...	0	0	12
—25, Paid for the landmale and suit of court	in Sunderland, ...				0	2	0
	Paid for carriage of salt fish from Sun-				0	6	8
	derland and Newcastle, ...						
—28, Paid for the landmale and suit of court	in Sunderland, ...				0	2	0
—28, Paid for carriage of wine, salt fish, and	other necessities from Newcastle				0	10	0
	and Sunderland, ...						
—35, Paid the lord bishop of Durham his fee	farm rent for Sunderland,* ...				0	1	0

With these details our extracts from the Finchale Charters and Account Rolls terminate. By some of our readers they may be considered a mere list of dry and uninteresting names and dates : but he who wishes to understand history, must learn to estimate the importance of facts and details, especially those relating to remote or obscure periods, not by their apparent value, but in proportion to the insight which they afford into the general character of society. To the genuine antiquary and local historian these extracts are most important ; tending, as

* This extract is from the *Valor Eccles.* Vol. V., page 340.

they do, to illustrate a period in the history of Sunderland otherwise almost shrouded in impenetrable darkness and obscurity.

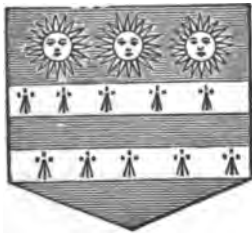
Anciently there was a religious house, chapel, or "chantry, dedicated to the Blessed Virgin Mary, in Sunderland-near-the-Sea, within the parish of Wearmouth;" but when or by whom founded, history does not acquaint us. From the Finchale records quoted above, we learn that there was a "Richard, son of the chaplain," witness to one charter, and "Henry, son of the chaplain," witness to another charter, conveying property in Sunderland to that priory, in the early part of the thirteenth century. We also find "John, the parson of Sunderland," occupying a very unenviable position in the Account Rolls, from 1355 to 1367. At the time of the suppression in 1535, "Ralph Parkyn was the chaplain of Sunderland chantry, the situation of which, with certain lands and tenements thereunto belonging, in the tenure of divers tenants, was of the yearly value of £3 6s. 8d."†

Was there a burial ground or cemetery attached to this ancient and long since forgotten place of public worship? The following discoveries rather tend to confirm the supposition that a portion of the "lands" attached to the chantry had been set apart as a repository for the dead. On the 10th June, 1811, as some labourers in the employment of the Commissioners under the Sunderland Improvement Act, were levelling and improving the Long Bank, they found a human skeleton about two feet below the surface. December 20th, 1828, as some workmen

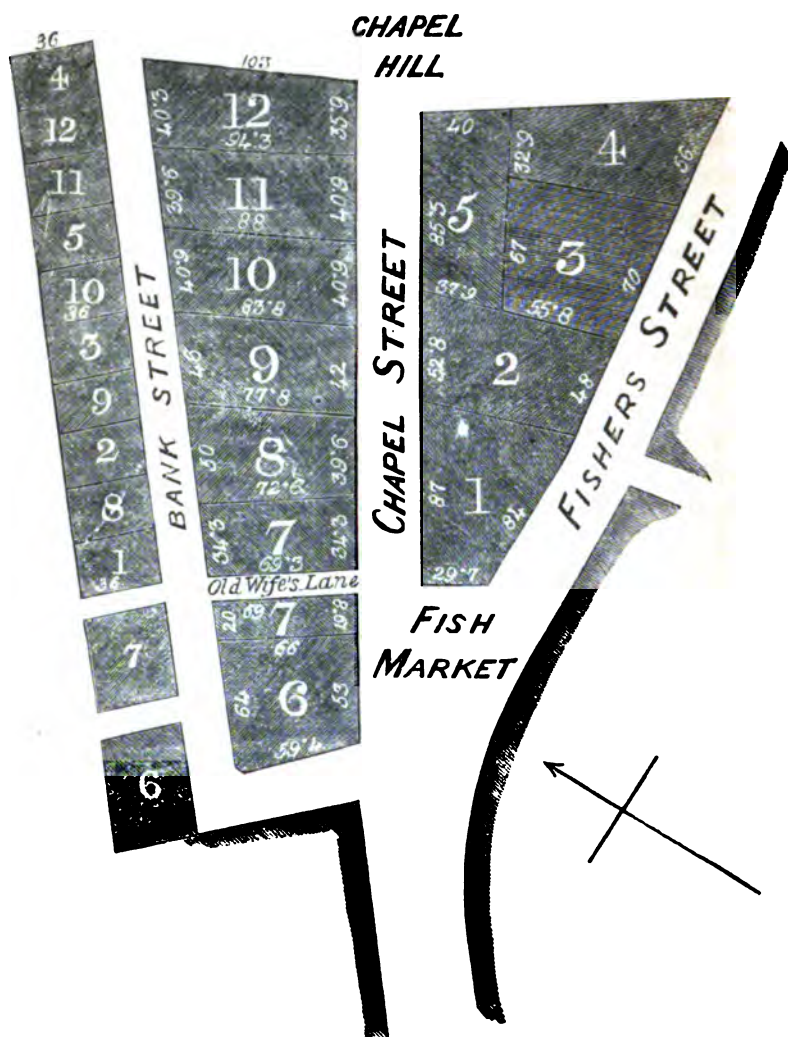
† *Valor Ecclesiasticus*, temp. Hen. VIII. Vol. V., page 323.

were digging in the kitchen of an old house in Warren Street, for the purpose of lowering the floor, they found a human skeleton, quite entire, about two feet below the floor which had been a flagged one. According to the local papers of the period, conjectures with respect to this deposit were numerous, but none satisfactory, so that the circumstance relating to the interment of the body remained veiled in mystery. In May, 1832, the skeleton of a female, without a head, was discovered by a mason digging a well in Moorgate Street. On the 1st June, 1840, as a workman was removing the pavement in Silver Street, the skeleton of a human body was discovered by some boys, who carried it away in pieces to amuse themselves, thus preventing any further inquiries being instituted as to how long the body had been lying in that somewhat singular sepulchre. All these remains of mortality were discovered in places in the immediate neighbourhood of the spot whereon it is presumed the Chantry of the Blessed Virgin Mary was erected, all remembrance of which had passed away: even local tradition, frequently a faithful chronicler in such matters, was silent upon the subject.

Perhaps the only remaining trace of the site of this
NICHOLSON.



ancient chapel or chantry is to be gathered from an old plan (of which the following wood cut is a reduced copy), very kindly presented to us by William Nicholson, Esq., of Nicholson House, Bishopwearmouth, collated with another copy in the possession of Mr. Thomas Robson,



engraver, Fawcett Street, entitled "A Scheme of the new town of Sunderland, beginning at the east end of the town, and continued to the Chapel Hill, taken, divided, and set out in twelve equal parts, each part containing four hundred and three square yards, besides the banks, which are also divided and set out, as agreed to by twelve gentlemen to whom the said town belongeth, with their names, and numbers of reference to each gentleman's parcel of town and banks, as fell to their lot. By William Lewin, 27th June, 1715." The "Chapel Hill," which probably derived its name from the Chantry of the Blessed Virgin Mary having been erected thereon, pointed out on this plan or "Scheme," is on the west side of the Pottery Bank (anciently called Sandy Well Bank), adjoining the extreme easterly end of the High Street, Sunderland.

Here it is necessary to digress, in order to give the origin of the so-called "new town of Sunderland."

NAMES OF THE TWELVE GENTLEMEN, WITH THE NUMBERS
OF THEIR PARCELS OR ALLOTMENTS, OF THE NEW TOWN
OF SUNDERLAND AND BANKS, FROM THE "SCHEME."—

PARCELS OR ALLOTMENTS.

	In the New Town.	On the Banks.
MR. STEPHEN WAITE, coal fitter, and one of the first vestrymen of Sunderland church,	No. 1.	No. 1
MR. WILLIAM SHIPPARDSON,* one of the first vestrymen of Sunderland church,	2.	2.

* At a Bylaw of the freemen, held May 8, 1707, William Shippardson was elected, first a stallinger in the place of Richard Norton, deceased, and then a freeman in the place of William Dent, deceased. At a Court Baron held 10th May,

PARCELS OR ALLOTMENTS.

	In the New Town.	On the Banks.
MR. HENRY HOLMES,* tobacco pipe maker, Holmes' Lane, 202, High Street.	No. 3.	No. 3
MR. JOHN HUNTLEY,† one of the first vestry- men of Sunderland church,	4.	4†

1707, he was admitted and sworn before R. R. [Ralph Robinson, senescal] who has endorsed the following sums upon the back of the document electing him a freeman:—3s. 4d., 3s. 4d., 1s. 0d. [total] 7s. 8d.; 6s. 8d., 10s. 0d., 2s. 0d. [total] 18s. 8d.; making a grand total of £1 6s. 4d.—seemingly the amount of the Court fees paid on his admission.—*Freemen's Election Book*.

* At a Bylaw of the freemen held July 6, 1704, Henry Holmes was elected a stalling in the place of John Nesfield, deceased. He occurs as a freeman, Oct. 13, 1711.—*Freemen's Election Book*.

† At a Bylaw of the freemen held Aug. 27, 1700, John Huntley was elected a stalling in the place of William Hincks (then newly elected a freeman) and on 26th July, 1704, he was elected a freeman in the place of Robert Barwicka, deceased. He resigned his trust as appears by the following stamped document:—

BURGOS DE SUNDERLAND. Know all men by these presents that I, John Huntley, gentleman, one of the twelve freemen of the said Burrough of Sunderland-by-the-Sea in the county of Durham, doe by these presents assigne surrender and make over unto the freemen of the said Burrough all that my office place and trust of a freeman of the said Burrough with all profits and advantages thereto belonging or in anywise appertaining hereby disclaiming all and all manner of Right of Enter Common or Common of Pasture upon those three pastures called the Towne Moore, Intack, and Coney Warren, or any other franchise belonging or in anywise appertaining to me as a freeman. Therefore I doe hereby pray and desire the freemen of the said Burrough to elect and choose such other capable person to be a freeman in my room and place as they shall think fitt according to the custome of the said Burrough. As witness my hand and seal this ninth day of August Ao. Dni. 1720.

JNO. HUNTLEY, (L. S.)

Test.

RALPH STOBART,
GEO. FULTHORPE.

—*Freemen's Election Book*.

‡ On this allotment, at the extreme east end of the north side of Bank Street, a house was built and occupied for many years as the custom house of the port of Sunderland. It is believed that the custom house was removed from its original

PARCELS OR ALLOTMENTS.

In the New Town. On the Banks.

MR. GAWIN NOBLE, of Noble's Quay, Sunderland, one of the first vestrymen of Sunderland church, (see page 139, note.)	No. 5.	No. 5.
He was again elected a vestryman, July 9th, 1729,		
WILLIAM ETTRICK, Esq., of Silksworth, collector of customs at the port of Sunderland, and great-great-great-uncle of Anthony Ettrick, Esq., High Barns, Bishopwearmouth,	6.	6.

situation at the west end of the low quay, mentioned in page 64, to this house in Bank Street, from whence the business of the customs was again transferred, in the year 1810, to the house built by Mr. Edward Browne, a member of the society of Friends, (one of the fitters for Thomas Smith, Esq., of Morton House, coal owner), in the year 1727, for his private residence, at the south end of Fitters' Row; he also built the adjoining houses still known as Fitters' Row, for the dwellings of the masters of his ships and keelmen, the cost of the whole being about £5,000. The beauties of Mr. Browne's house and grounds, which, in addition to the vacant ground now on its west and south sides, occupied the ground now covered by the Sailors' Home, Thomas Street, and part of the east side of Silver Street, immediately adjoining, with extensive land and sea views, were much admired by the inhabitants of the town, by whom Mr. Browne was so much importuned for leave to view his house and grounds, that at length he caused a board with the words "Go about thy business," to be affixed at his entrance gates in Silver Street. Mr. Browne by speculating, over trading, some considerable losses in trade, and building, got embarrassed in his affairs, and being induced to give a bond for £3,000 or thereabouts, to Mr. Meaburn Smith (son of Thomas Smith, above named) coal owner, to whom he was in arrears, that gentleman put it in almost immediate execution, the result of which was that Mr. Browne was declared a bankrupt. He died in poverty at Cork, in Ireland, Aug. 27, 1730. His residence in Fitters' Row was subsequently in the possession of Mr. Meaburn Smith, and is now occupied by the Sunderland Ragged, Reformatory, and Industrial Schools. The business of the customs was again transferred from Fitters' Row, to the present custom house in the Low Street, in the year 1838, and in 1835 the old custom house, in Bank Street, was pulled down for the passage of the Durham and Sunderland Railway, to the coal staiths in the Low Street, Sunderland.

PARCELS OR ALLOTMENTS.

	In the New Town.	On the Banks.
MR. RICHARD ROBINSON,* the elder, of Middle Herrington, and 31, Church Street, Sunderland, malster, (see page 130,...)	7.	7
MR. EDWARD ROBINSON, coal-fitter, ...	8.	8
MR. RICHARD ROBINSON, the younger, surgeon, son of Mr. Richard Robinson, above named, and one of the first vestrymen of Sunderland church, (see pp. 117, 183,)	9.	9
MR. THOMAS HODGKIN,† grandfather of Mr. Benjamin Hodgkin, solicitor, (see p. 182,)	10.	10
MR. JOHN HODGSHON, coal fitter, (see pp. 117, 182,) and one of the first vestrymen of Sunderland church, who acted as clerk to the freemen and stallingers, ...	11	11
MR. THOMAS ROBINSON,‡ coal fitter, and one of the first vestrymen of Sunderland church. He married Margaret, eldest surviving daughter and co-heiress of William Ettrick, Esq., above named. Mr. Robinson died Feb. 5th, 1736, ...	12	12

* At a Bylaw of the freemen held April 19, 1716, Ralph Harrison was elected, first a stallinger in the place of William Snowdon, deceased, and then freeman in the place of Richard Robinson, senior, deceased. At a Court Baron held 28 May, 1716, he was admitted and sworn pr. Ra. Robinson, senescal.—*Freemen's Election Book*.

† At a Bylaw of the freemen held November 12, 1717, John Reed was elected first a stallinger, in the place of John Paxton, attorney, resigned, and then a freeman in the place of Thomas Hodgkin, deceased. At a Court Baron held 6th May, 1718, he was admitted and sworn as a stallinger, and at another court, held 27th October, 1718, he was admitted and sworn a freeman, in both instances before J.P. (John Paxton), senescal.—*Freemen's Election Book*.

‡ At a Bylaw of the freemen held Nov. 16, 1704, Thomas Robinson was elected, first a stallinger in the place of George Bryan, resigned, and then a freeman in the place of William Hincks, deceased.—*Freemen's Election Book*.

The gentlemen above named were, in 1715, the twelve freemen of the freemen and stallingers of Sunderland. The ground divided amongst them, to the exclusion of the stallingers, was part of the division of the Town Moor, formerly known as the "Coney Warren" and its banks, lying between the Long Bank on the west, the Pottery Bank and Barrack Street on the east, Warren Street on the South, and Mr. Thomas Oswald's and the Railway Wharf Company's copyhold property on the north. The triangular plot of ground in the New Town, lying between the High and Warren Streets, was allotted to Messrs. Stephen Waite, William Shippardson, Henry Holmes, John Huntley, and Gawin Noble. And the ground lying on the north side of the High Street to Bank Street, to Messrs. William Ettrick, Richard Robinson the elder, Edward Robinson, Richard Robinson the younger, Thomas Hodgkin, John Hodgshon, and Thomas Robinson, with a separate allotment to each, on the Banks on the north side of Bank Street.

NAMES OF THE STREETS, ETC., IN THE NEW TOWN OF SUNDERLAND, WITH THEIR BREADTHS IN YARDS AS SHOWN ON THE "SCHEME."

Fishers Street, (the south side of it then built in the old town, and the residence of the fishermen, now called Warren Street,) breadth eleven yards.

Chapel Street, (leading from the "Chapel Hill," westwards to the Long Bank, now part of the High Street,) breadth ten yards.

Bank Street, (this name still remains unchanged,) breadth seven and a half yards.

Old Wife's Lane, (now Wellington Lane,) breadth three yards and three-quarters.

The Fish Market, as shown by the "scheme," was then (1715) at the west end of the triangular plot of ground between the High Street and Warren Street, near the residence of the fishermen, opposite to Messrs. William Nicholson and Sons' Wellington Iron Works.

William Ettrick, Esq., of Silksworth, a freeman of Sunderland, above named, upon oath, in his separate answer to the bill filed by Sir William Middleton, Bart., M.P., and William Ettrick, Esq., of High Barns, against the freemen and stallingers of Sunderland, in the year 1729, in the court of exchequer, referred to at page 131, says, "This defendant doth admit it to be true that at a meeting of the said freemen, some years since, in order to consider of proper methods for the raising of money for the carrying on the building of the new church at Sunderland, it was agreed that the same should be raised by the taking off and dividing some small parcels of the said Coney Warren, and believes that, accordingly, the sum of one hundred and twenty pounds, or thereabouts, was raised by that means and applied accordingly towards the building of the said church, but believes it was generally thought, or believed by the said parties, that they had no right so to do."

This belief of Mr. Ettrick's and the other freemen, is strongly corroborated by the act of parliament passed in the year 1719, for creating Sunderland into a distinct parish from Bishopwearmouth, only four years after the division of the New Town and Banks by the freemen,

W. Ettrick

when a large portion the "Intack" of the Town Moor was enclosed by the inhabitants for the church, churchyard, rectory house, and garden, by the consent of Nathaniel Lord Crewe, Bishop of Durham, and all the remaining parts of the Town Moor were reserved by a saving clause in the act, for the bishop and his successors, the same as if it had never passed. The names of the freemen and stallingers are never mentioned in this act, showing that their only claim to pasturage on the Town Moor was then doubtful, and their consent to the inclosure of part of it not even worth asking for.

Mr. Ettrick omits to say, in his answer to the bill before named, that "some small parcels of the said Coney Warren" were divided amongst his brother freemen and himself, and that they were both sellers and buyers of four hundred and three square yards of ground in the new town, with an additional allotment of about two hundred yards more, on the banks on the north side of Bank Street, for the nominal sum of ten pounds from each freeman.

It is only an act of justice towards Messrs. William Ettrick and Richard Robinson to state, that the ground allotted to them, lying between the Long Bank and Old Wife's Lane, was never in their possession, or at least they don't appear to have made any permanent use of it, inasmuch as it seems to have been vacant when Burleigh and Thompson published their plan in 1737. The ground was lying waste in 1746, and upon it a fire was kindled by a lawless mob, who burnt therein the effects of the first Roman Catholic chapel, or room for worship, known to

have existed in Sunderland and its neighbourhood after the Reformation, and during the severity of the penal laws against the Roman Catholics. This chapel or room was in the third story of the house and shop, No. 30, Warren Street, then occupied by Mr. Francis Whytehead, master mariner, a member of an old Roman Catholic family, who brought the vases, &c. from Holland, and presented them to decorate the altar. The Rev. Mr. Hankins, the priest, who also resided in the house, fled from the town attired in woman's clothes. The following account relating to this daring outrage, is extracted from the *Gentleman's Magazine*, for January, 1746.

“Extract of a letter from Sunderland, Jan. 23, [1746].

“Yesterday a number of people, consisting chiefly of sailors, went about ten o'clock in the morning to the popish mass-house in this town, where they found several people at prayers, and a couple to be married, who, with Mr. Hankins, their priest, all fled out; upon which, the sailors immediately pulled down their altar and crucifix, together with all the seats, the priest's robes, all their books, the furniture, and every individual thing in the room, and burnt them in a fire in the street made for that purpose; and also a large library of books and papers belonging to the priest; among which was found, before they were committed to the flames, a list of the names of several people in this place, who are well affected to the present government, called by the papists ‘odd friends,’ with letters annex'd to their names not yet decypher'd. The list so found is written by the popish priest's own hand, and is as follows:—

'A list of Odd Friends.'

Matthew Russell,* SD; Thomas Ayre,† SD; Warren

* Mr Matthew Russell was the second son of Matthew Russell, Esq., of Rowenlands in the county of Cumberland. He was born August 2nd, 1685, settled in Sunderland in the year 1717. where he commenced business as a Timber merchant, and became the owner of the shipbuilding yard and some adjoining property in the Low Street, now the property of John Thomas Alcock, Esq., Ship Builder the site of the Gas Works, the western part of Mr. Alcock's premises being occupied by himself as his timber yard. By industry and perseverance, Mr. Matthew Russell acquired a handsome fortune, one half of which, amounting it is said to £10,000, he devised to his nephew William Russell, Esq., Sunderland, then of Newbottle, and afterwards of Brancepath Castle, grandfather of Viscountess Boyne, the present lady of that splendid baronial mansion. On the 12th July, 1725, Mr. Matthew Russell was elected a Vestryman of Sunderland church, which office he held until his death.

Sometime previous to his death, Mr. Matthew Russell was afflicted with blindness, Mr. William Russell carried on the timber yard after his uncle's death.

In addition to the handsome fortune bequeathed to him by his uncle, Mr. William Russell, who was also a second son of the then squire of Rowenlands, inherited another £10,000 from his father, so that he commenced life with £20,000, an immense sum at that time. He afterwards became the owner of, and his name has since been inseparably connected with, Wallsend colliery, on the Tyne, (from which he derived immense wealth—being one of the richest commoners in England) "Russell's Wallsend" being familiar to the uttermost ends of the earth.

Mr. Matthew Russell died without issue, July 30, 1760, and was buried according to the register of burials in Sunderland Churchyard, on the 8th of the following month. Shortly after the death of his uncle, Mr. William Russell erected a beautiful monument to his memory in the west wall of Sunderland churchyard, bearing the following inscription:—"Juxta hunc Parietem conditur quod mortale fuit Matthæi Russell, de Sunderland, Mercator, Obijt xxx Iulij, Anno Domini MDCCLX, *Ætatis sue lxxv.*" This monument is now kept in a good state of preservation by the Russell family, in gratitude to the gentleman to whom they are so greatly indebted for their princely possessions.

† Mr. Thomas Ayres, shipowner, a member of a very old and highly respectable Sunderland family, father of the late Mr. Thomas Ayres, Green Terrace, and the late Mrs. Burrell, of Lambton Street, Bishopwearmouth, and grandfather of Mr. Thomas Ayres, of Trafford Park, near Manchester, steward of Sir Humphrey de Trafford, of that place; Mr. Henry Ayres, Trederwen House Llansaintffaid, near Oswestry; Mr Burrell Ayres, Fir Grove, WestEnd, near Southampton; Mr Chas. Josh.

Maud, * S D George Robinson, S B ; George Syall, S B ;

Ayres, of the Sunderland Post office ; Mr. W. S. Ayres, Egerton Terrace, Longsight, near Manchester ; Mrs. Airey, wife of Robert Airey, Esq., of Newcastle-upon-Tyne, and Mrs Macfarlane, wife of the Rev. George Macfarlane, M.A. Vicar of Gainford. Mr. Thomas Ayres was a vestryman, and one of the churchwardens of Sunderland in 1740, and a freeman of the Borough, in 1767. From this family Ayres' Quay, Bishopwearmouth, derives its name. In the award in our possession, setting out all the common and private roads upon the divison of the extensive moors in Bishopwearmouth, in 1640, it is described as "Thomas Ayres' Key." Holmes' Wharf, Sunderland, formerly known as Neddy Wright's quay, from Mr. Edward Wright its tenant, was for a long period of years the property of the late Mr. Thomas Ayres, of Green Terrace, and his ancestors.

* Warren Maude, Esq., of Sunnyside, Bishopwearmouth, coal fitter, was the third son of Samuel Maude, Esq., of 6, Maude's Lane, Sunderland, coal fitter, by his wife Miss Rachel Warren, of Scarborough, which Samuel was grandson of Barnabas Maude, a younger branch of the family of Maude, of Staynland and Alverthorpe, Yorkshire. He married, first, in 1731, Mary, daughter of Simon Forster, Esq., of Hawthorn, and had issue three sons—Samuel, who married Hannah, daughter and heiress of John Makepeace, Esq., of Newbottle, and died in 1755 ; Thomas, of Newcastle, who espoused Margaret, daughter of John Holme, Esq., of Kendal ; and Forster, who died young. Warren Maude, Esq., married, secondly, in 1737, Sarah, daughter of Thomas Holme, Esq., of Kendal, by whom (who died in 1793, aged 74,) he had issue to survive infancy ; 1. John, born in 1738, who died unmarried in 1775 ; 2. Jacob, of Sunnyside, Bishopwearmouth, born in 1757, an extensive coal owner, who lived and died in 1839, at Selaby Hall, in the parish of Gainford, who married first, in 1785, Mary, daughter of J. Freshfield, Esq., of Norwich (by whom he had a son, the late Warren Maude, Esq., of Green Bank, near Darlington, J. P.), and secondly, in 1792, Ruth, eldest daughter and co-heiress of John Mitchinson, Esq., of Carlisle (by whom he had several children) ; 3. Mary, married to Thomas Stamp, Esq., of Sunderland ; 4. Margaret, married, first, to Robert White, Esq., of Shincliffe, and secondly, to Major Richard Lluellyn ; 5. Sarah, who married Joseph Lamb, Esq., of Ryton ; and 6. Jane, who espoused R. L. Lynn, Esq., of Newcastle. Mr. Maude's hospitable mansion at Sunnyside was immortalized in an old local song, the following fragment of which has been rescued from oblivion by Sir Cuthbert Sharp, in his Bishoprick Garland :—

"We'll all away to Sunnyside,
To Sunnyside, to Sunnyside,
We'll all away to Sunnyside,
To see the Fitter's maidens."

The following is another fragment of the same song, supposed to be addressed by the pee-dee (or boy) of one of Mr. Maude's keels, to the skipper (or master) of the keel :—

Mark Burley,* S D; Inman, † F F; Maylin, ‡ W;

"Hey, Skipper, our fitter
Hae some bonnie maidens;
We'll all away to Sunnyside
To see our fitter's maidens."

* Mr. Mark Burleigh, of Burleigh Street, Sunderland, coal fitter and wine merchant, and one of the Commissioners of the river Wear under the Act of 1746-7. He married Hannah (born in 1698), second daughter of the above named Samuel Maude, and sister of Warren Maudslow, of Sunnyside. Burleigh and Vine Streets were built principally upon his ground, and received their names from him and his establishment. "A few days ago died at Bishopwearmouth, aged 84, M. Burleigh, wine merchant, and one of the people called Quakers."—*Newcastle Newspapers*, Oct. 1, 1773.—*Mr. George Garbutt's Collection*.

† Mr. Robert Inman, of Sunderland, coal fitter, (see p. 148), one of the Commissioners of the river Wear under the Act of 1746-7, also a vestryman and one of the churchwardens of Sunderland church in 1755, was a freeman of the borough in 1766. Mr. Inman received a few hundred pounds from his half-share of a lottery ticket which he held along with Abraham Meadley, of 108, High Street, Sunderland, draper, (father of Mr. George Wilson Meadley, the biographer of Dr. Paley and Algernon Sydney). The ticket was drawn a prize a day or two after the death of Mr. A. Meadley, and during the time he was lying a corpse. Mr. Meadley's share of the prize was received by his widow, Mrs. Meadley, who was left with a family of children, of whom Miss Meadley of Fawcett Street, Bishopwearmouth, is now the survivor.

‡ Mr. William Maling of Hendon Lodge, Bishopwearmouth, eldest son and heir of William Maling and Elizabeth Church, of Scarborough, was born Nov. 4, 1698, settled in Sunderland in 1723, where he carried on business as shipowner and timber merchant. He married, July 30, 1740, Catharine, only daughter and heiress of Christopher Thompson, Esq., of Hendon Lodge, and previously of Scarborough. He took up his abode at Hendon Lodge on the demise of his father-in-law, 1749: his own father dying 11th May, 1743, he came into possession of a large fortune, and purchased extensive property at Hylton and Ford, on the north and south sides of the river Wear; was appointed, in 1746, a Commissioner of that river, and in the same year, to the office of vestryman and churchwarden of Sunderland church. In 1757, he was one of the freemen of the borough. He died 20th March, 1765, and was buried in a vault in Sunderland churchyard. He had four sons, the eldest of whom, Christopher Thompson Maling, born 22nd Nov. 1741, graduated at St. John's College, Cambridge, and was educated to the bar. He was J. P. for the county of Durham, 1778, and lived many years at Hendon Lodge, afterwards at

Ann Syall, B; Nath. Leak, B; Cooper Shiphard, W;

Silksworth House, and Herrington Hall, near Sunderland. He married, first, 2nd Oct., 1765, Elizabeth, fifth daughter of William Ironside, Esq., of Houghton-le-Spring: she died 27th Nov. 1766, leaving one daughter. He married, secondly, 31st May, 1769, Martha Sophia, only daughter and sole heiress of John Sheeles, Esq., Queen's Square, Bloomsbury, London. He died 24th Jan., 1810, leaving issue five sons and seven daughters. The eldest son, Christopher Sheeles Maling, went to India, as secretary to the Marquis of Wellesley, and became judge of the district of Punnach, where he died in 1808. The third son, Thomas James Maling, entered the Royal Navy, and after seeing much active service, attained the rank of Admiral: he was deputy lieutenant and J. P. for the county of Worcester, and died at the Elms in that county, 22nd Jan., 1849. Of the daughters, the second, Martha Sophia, married Henry Phipps, third Baron Mulgrave, and Viscount Normandy, by whom she had a large family:—their eldest son, Constantine Henry, is the present Marquis of Normanby, and married the Hon. Maria Liddell, eldest daughter of the late Lord Ravensworth: their third son, the Hon. Col. Charles Phipps, is secretary to H. R. H. the Prince Consort, and their daughters the Hon. Ladies Phipps, have respectively served as ladies in waiting to the Queen. The third daughter, Catharine Julia Maling, married Robert Plumer Ward, Esq., author of several literary works, M. P. for Cockermouth, who was Under Secretary of State, and a junior Lord of the Admiralty, under the administration of the Duke of Wellington: their only son is now Sir Henry Ward, Bart., governor of Ceylon.

John Maling, the third son of William Maling and Catharine Thompson, was born 29th Nov., 1746, built and resided at the Grange, Bishopwearmouth, was many years partner with his brothers-in-law, in the banking establishment of Russell, Allan, and Maling, in Sunderland. He married, first, 6th Sept., 1768, Margaret, only daughter of Hugh Awdos, Esq., of Bishopwearmouth, (whose wife was Mary, daughter of Thomas Holme, Esq., of Kendal, and whose other daughter, Sarah, was married to Warren Maude, Esq., above named), by whom (who died 23rd Jan., 1774,) he had issue a son and daughter. He married, secondly, May, 1775, at Sunderland Church, Ann, widow of Hodgson Thompson, Esq., of Sunderland, who was daughter and co-heiress (with her sisters, Mary, wife of William Russell, Esq., above named, and Elizabeth, wife of Robert Allan, Esq., of Sunnyside, Bishopwearmouth, and Barton, in Yorkshire,) of Robert Harrison, Esq., of Sunderland. By this second marriage, Mr. Maling, who died 6th Nov. 1823, had three sons and four daughters. William Maling, the eldest son by the first wife, was born 7th June, 1769, and carried on business as shipowner and timber merchant, in the premises now occupied by R. H. Potts and Brothers, in the Low Street, and resided at West Hendon House, Bishopwearmouth. He married, 10th May, 1800, Elizabeth, only daughter and heiress of William Haygarth, of Kidside

Craggs,* SD; Matthew Carr,† F; Thomas Firryby,‡ SD;

Lodge, in the county of Westmorland, capt. R. N. and first governor of the Knights of the Naval College of Windsor, who, whilst residing there, had the honour of enjoying the private friendship of George III., and was a frequent guest at the Castle. His Majesty had his portrait painted by John Hopner, R. A. which the good old king graciously presented to Mrs. Maling, on the demise of her father the governor, 22nd March, 1810 (it is now in the possession of his grandson, Edward Haygarth Maling, Esq., of this town). Captain Haygarth was school-fellow at Eton College, with Edward Hawke, afterwards the gallant Admiral Lord Hawke. He was present in most of the brilliant victories gained by the latter, and their friendship continued to the death of the admiral. Captain Haygarth brought home from the Mediterranean the unfortunate Admiral Byng, to be tried by court martial. Mr. William Maling retired from business in 1808, purchased property adjoining Kidside Lodge, in Westmorland, where he resided many years, and died 19th Jan. 1857. By his wife, Miss Haygarth, he had issue four sons and three daughters:—the only surviving son being our talented and much respected townsman, Edw. Haygarth Maling, Esq., who embraced the medical profession, and is now senior surgeon to our noble charity the Infirmary, senior surgeon to the Sunderland Eye Infirmary which he was chiefly instrumental in forming in 1836, and is also senior surgeon to the Marchioness of Londonderry's Infirmary, at Seaham Harbour. He married, 22nd Sept. 1836, Joanna Mary, third daughter of Robert Allan, Esq., of Newbottle, (whose wife was Hannah, daughter of William Havelock, Esq., of Ford Hall, Bishopwearmouth, and sister to William Havelock, Esq., of Ingress Park, Kent, the father of the present noble and gallant hero, General Sir Henry Havelock, Bart., of Lucknow, K. C. B. &c.), and sister to Robert Henry Allan, Esq., J. P., F. S. A. &c. of Blackwell Hall and Blackwell Grange, in the county of Durham, of which county he was High Sheriff in 1851. Mrs. Maling died 6th Jan. 1857, leaving issue one son, Edwin Allan Maling, and one daughter, Joanna Maria Maling.

* Mr. Christopher Craggs, one of the churchwardens and a vestryman in 1734, was a stalling of the borough in 1757. His son, Christopher, was the owner of the land in Mill Lane, (or Hylton Road,) now the property of the Sunderland Freehold Land Society.

† Mr. Matthew Carr, of the Low Street, (near Wylam's Wharf,) innkeeper and anchormith, was one of the vestrymen of Sunderland church in 1734, one of the churchwardens in 1740, and a freeman in the same year.

‡ Thomas Ferrabee was elected a vestryman of Sunderland, July 8, 1731. In 1737, he was a member of the committee of vestrymen to re-value all the property in that parish, and was one of the churchwardens in 1756.

James Donison,* O; William Wilkinson,† H; John Hodgshon,‡ SB; Officer Bainbridge.—This piece of wood I cut off an old chair in Jarrow church, which was the chair that St. Cuthbert sat in to hear confessions.§”

* James Donnison, Esq. was a vestryman and one of the churchwardens of Sunderland, in 1745 on the 26th of May, 1766, he was elected one of the freemen of the borough. Mr. Donnison was a butcher, in Sunderland, by which business he realized a large fortune, and became the owner of the freehold estate of Farrington, near Silksworth, and the copyhold land lying in Stockton Road, Bishopwearmouth, between the Hospital farm on the north and the northern boundary of the township of Ryhope, on the south, formerly part of the Bishop of Durham's "Wearmouth south moor," now belonging to Messrs. Edward Backhouse, George Scurfield, and the representatives of the late Mr. John Lotherington. Mr. Donnison was the second husband of Mrs. Elizabeth Donnison, (previously Mrs. Guy,) the benevolent foundress of the Donnison School for girls, at Sunderland. Mr. Donnison died without issue, on the 27th of March, 1777, aged 62 years. He bequeathed his property to a relative, Mr. Robert Stote, of Horsley Hill, near South Shields, who took the surname of Donnison by royal license. From the family of Stote, the male line of which is extinct, the Rev. G. T. Fox, M. A., incumbent of St. Nicholas' Durham, Robert Thomas Wilkinson, Esq., of Bishopwearmouth, Mrs. Richard Laurence Pemberton, of Barnes, Miss Lotherington, of South Moor, &c., &c., are descended. Mr. Donnison lies buried under a tombstone near the south door of Bishopwearmouth church. His wife, Mrs. Elizabeth Donnison, died Nov. 23rd, 1770, and was buried under a large freestone slab, now partly overgrown with grass, near the south wall of Sunderland church; close to her grave are two tablets affixed in the church wall, one to the memory of Mr. Charles Guy, her first husband, and one of the churchwardens of Sunderland in 1731, who died June 21st, 1736, aged 35 years; and the other in remembrance of her only son, Mr. Henry Guy, named on the tablet as "The son of Elizabeth Guy," who died June 4th, 1756,—his age at death is obliterated from the tablet by the hand of time.

Neither the inscription on the slab covering the grave of Mrs. Donnison, nor the parochial register give her age at death.

† Mr. William Wilkinson was one of the churchwardens of Sunderland, in 1745.

‡ Mr. John Hodgshon, one of the freemen and coal fitter of Sunderland, (see pp. 117, 182, 258), whose daughter Elizabeth was the wife of Benjamin Hodgkin, Esq., solicitor.

§ Sykes in his Local Records, and Richardson, in his Local Historian's Table Book, subscribe this letter with the name of *Nicholas Taylor*: Richardson referring

This part of the "New Town" remained waste and unoccupied until the year 1780, when Mr. John Thorn hill commenced to deposit stones upon it delivered at his wharf. After this had been practised for a few years, he enclosed it with a wall; and about the year 1800, he sold it as his freehold for building sites to Messrs. Robert Tulip, lime burner, Richard Wray, and others; and it is now (1857) covered with houses and shops, numbered 116, 117, 118, 119, and 120, High Street, and blacksmith's shop occupied by Mr. William Kerss, Long Bank, Sunderland.

Besides the priory of Finchale and the chantry before spoken of, the following religious houses held property in Sunderland at the time of their dissolution, namely, "Kepier Hospital,* near Durham, whereof William

to the Gentleman's Magazine as his authority. There was a Nicholas Taylor elected one of the first vestrymen of Sunderland church, who may have been the author of the letter in question, but whose name certainly does not appear in the pages of the veteran Mr. Urban.

The foregoing memorials comprise all the information we have been able to obtain of the parties said to have been named *Odd Friends*, who were all attached to the principles of the glorious Revolution of 1688, and opposed to the pretensions of the house of Stuart. Messrs. Russell, Ayres, Maling, Inman, Craggs, Carr, Donnison, Wilkinson, Ferrabee, and Hodgahon, were members of the church of England. Mr. Mark Burleigh, and Mr. Warren Maude, belonged to the Society of Friends, which society his son Mr. Jacob Maude left, previous to his marriage with his first wife, a member of that society, who "disowned" her for that offence against their rules: upon the death of this lady Mr. Maude married another fair friend, whom the society also "disowned" for what is termed "marrying out."

* Kepier Hospital, which stands on the banks of the Wear, in the parish of Saint Giles, about one mile N. E. from Durham market-place, was first founded in the year 1112, by Ralph Flambard, Bishop of Durham, from 1099 to 1128, for a master

Frankleyn, clerk, was master, a cottage in Sunderland, of the yearly value of four shillings."*

and brethren, and dedicated to Saint Giles. He endowed it with the vill of Caldecotes, and a mill upon Milburne, with two sheaves of corn from his demesne lands in the vills of Newbottle, Houghton, Wearmouth, Ryhope, Easington, Sedgefield, Sherburn, Quarrington, Newton, Chester, Washington, Boldon, Cleadon, Whickham, and Ryton. The application of the revenues is only generally directed "for the salary of the clerk officiating in the church of Saint Giles, and the support of the poor who shall abide in the hospital house which I have provided."

The hospital had a second founder in the magnificent prelate, Hugh Pudsey, who rebuilt the hospital which had been burnt down within thirty years after its foundation by the soldiers of William Cumin, the Scottish intruder on the see of Durham. It is evident that Pudsey intended his monks should labour as well as pray. He ordains that the house of Kepier should consist of a master and thirteen brethren, who shall make profession of charity, of obedience to the superior, and of renunciation of worldly goods. Of the thirteen, six shall be chaplains, bound to pray for the souls of the Bishop Hugh, and of Ralph, sometime bishop, the first founder of Kepier. The seventh brother shall be steward or larderer; the eighth keeper of the tan-yard; the ninth shall be the baker; the tenth the miller; the eleventh, granger and keeper of the carts and wains; the twelfth, keeper of the stock wheresoever it may be; and the thirteenth, receiver and attorney general for transacting all matters of the house at home and abroad. Pudsey granted to his restored house at Kepier, by a separate charter, free borough in their street of Gilesgate, with exemption from toll on import and export, and services, and all secular exaction, with pasture for their cattle within and without the——; wood for fuel and building, and pannage of mash and acorn for their hogs in his forest. He gave them a toft in each of the townships, where Ralph Flambard had granted them sheaves of corn to draw their tithes to; the manor of Whiteleys and Swineleys, in Weardale; a lead mine to cover their church of Saint Mary and All Saints, and their infirmary; an iron mine in Rookhope to supply the iron work of their carts and wains, and pasture for all their cattle, with leave 'that their dogs there and at their vaccary in Weardale, shall not have their forefeet amputated (a barbarous point of the Norman Forest Laws, that every dog kept in chase or forest, shall have the forefeet maimed, to prevent his chasing the game); but only the shepherds shall lead them in leashes to guard their cattle from the wolves.' He added the toft of Laundene, the tithes of Bradwood and Besanskoldes, as far as Wythsels, a thrave of corn from each carucate in Weardale, and the tythe of every new assart, that is, of each plot of land thereafter to be brought into cultivation.

* *Valor Ecclesiasticus*, vol. V., page 308.

The "Chantry or Guild, at Houghton-le-Spring,* dedicated to the Holy Trinity, whereof John Saunderson was chaplain in 1535, held two cottages in Sunderland, of the

Lands and livings from successive benefactors were continually swelling the revenues of the hospital; but a second Scottish storm awaited them, and during the period when Robert Bruce avenged the long injuries of Scotland by repeated successful invasions of the bishoprick, the hospital of Kepier was burnt on the morrow of Saint Brandon the abbot, 1306.

William Frankleyn, Archdeacon of Northumberland, and master of the hospital at the time of the reformation, surrendered it to the king's commissioners, 14th January, 1545. Only twenty days after the surrender, Henry VIII. granted the hospital of Kepier with its universal possessions, to Sir William Paget and Richard Cock. Sir William Paget had a large share in the rapid changes which marked the period of the reformation. In 1550 he was created a peer; in the following

* There were two guilds instituted in Houghton church, one dedicated to the Holy Trinity, and the other to the Blessed Virgin. In the records we find that Robert Hudson of Morton, with Robert Smith of Houghton, and John Pearson, were fined on the 14th November, in the twelfth year of Bishop Laurence Booth, 1468, for attempting to found a fraternity at Houghton, without the bishop's license, contrary to the Act of Mortmain. But the same bishop, in the nineteenth year of his pontificate, 1475, granted license to Henry Gillowe, clerk, rector of Houghton; Henry Radclyff, Esq.; William Burdon, prior of Finchale; Edmund Saunderson, and William Rothom, to found "to the praise of God and honour of the most Holy Trinity, a guild, consisting of themselves and other persons of both sexes, in the parish church of Houghton, and to elect yearly from among themselves a master or custos, and to have a common seal, with power to plead and be impleaded, and to purchase lands, &c., to the yearly value of ten pounds, notwithstanding the Statute of Mortmain." The bishop also granted (in 1475) to Henry Gillowe, clerk; Henry Radclyff, Esq.; William Rothom; and John Pany, "actuated by a spirit of piety and charity," license to found, to the praise of God, and the honour of the most Blessed Virgin Mary, the mother of Jesus, a fraternity or guild.—*Hutchinson's Durham*, vol. II., page 542. The endowment of these guilds appears to have been very trivial, that one dedicated to the Holy Trinity holding a cottage at West Rainton, of the value of 4s. 4d.—making, with the property in Sunderland mentioned above, the whole annual revenue only 16s. 4d. The guild of the Virgiu Mary was of less value; its property being certified by the king's commissioners in 1535, as worth no more than twelve shillings a year.—*Valor Ecclesiasticus*, vol. V., page 325.

yearly value of eleven shillings and eightpence ; and the chantry or guild at same place, dedicated to the Blessed Virgin Mary, (William Todd, chaplain in 1535,) other two cottages in Sunderland, with certain lands pertaining thereto, of the annual value of twelve shillings.”*

year his fortunes fell with those of the Duke of Somerset ; he was sent to the Tower on the 9th November, 1551, stripped of the garter, and fined £6000 ; an enormous sum in those days. It is probable that the grant of Kepier was surrendered to the crown in satisfaction of a part of the fine ; for by patent, 23rd May, in the sixth year of the reign of Edward VI., 1552, the king granted to John Cockburne, Lord of Ormeston, the site and chief messuage of the hospital of Kepier, late parcel of the possessions of Lord Paget. The grant is said to have been the reward of Cockburne's services in guiding the Duke of Somerset's army into Scotland through the Merse. The Scot kept Kepier seventeen years, and then sold the hospital and all its dependencies to John Heath, Esq., warder of the Fleet.

The patent to the Lord of Ormeston grants, inter alia, tithes in Washington, Boldon, Cleadon, Whitburn, Bishopwearmouth, Ryhope, Easington, Wharrington, Kelloe, Chester, &c., and messuages and hereditaments in Sunderland, Washington, Boldon, Cleadon, Wearmouth, Ryhope, Easington, &c.

HEATH.



In the tenth year of the reign of Elizabeth, 1568. Fine levied between John Heath of the city of London, merchant, and John Cockburn, Lord of Ormiston, and Alice his wife, of the manor of Kepier, Old Durham, Iveston, Frosterley, Little Kepier, and Tweedmouth, five hundred messuages, as many cottages, as many tofts, ten water mills, ten dovecotes, twenty thousand acres of land, twenty thousand of pasture, one thousand acres of wood, twenty thousand of marsh and moor, and twenty pounds rent in Kepier, Gillegate borough, Old Durham, Durham city, Claxton, *Boldonmerske* [or *Flatts*,] *Sunderland*, Houghton, Washington, Boldon,

Cleadon, Wearmouth, Ryhope, Easington, &c., &c., &c.

Mr. Heath, as was probably his intention in making so extensive a purchase, alienated several of the distant estates of the hospital, keeping together the mass of the property at Kepier and Old Durham. Some portions of his acquisitions he devoted to the purposes of very rational charity, for with the venerable Barnard

* *Valor Ecclesiasticus*, vol. V., page 325.

Amongst the "lordships, manors, towns, burgages, lands, and tenements pertaining to the monastery [afterwards the cathedral] of Saint Cuthbert, in Durham," whereof Hugh Whitehead was prior in 1535, we find that that house held property in

"Southwick, of the yearly value of ..	£16	8	4
Fulwell,	19	18	0
Wearmouth,	12	4	4
Sunderland,	0	2	8
Tithes of corn in Southwick ...	5	6	8

subject, however, to the payment of 2s. 4d. per annum to the lord bishop of Durham, for his [fee farm or] free rent for Sunderland."*

All these remains of ancient piety were swept away at the period of the reformation, one of the greatest events

Gilpin, he became the joint founder of Kepier school, in Houghton-le-Spring, on which he settled the gilley-tithes of Wearmouth, and pensions out of the rectories of Gateshead, Ryton, and Whickham.

The hospital continued in the family of Heath, till 1630, when the mansion house, gardens, orchards, and mills of Kepier, and several closes were sold to Ralph Cole, Esq., of Gateshead. Sir Nicholas and Sir Ralph Cole, son and grandson of the purchaser, resided here till near 1674, when Sir Ralph Cole of Brancepeth, Bart., conveyed the manor of Kepier, the site of the hospital, and a portion of the estate, to Sir Christopher Musgrave, Bart., of Carlisle. (This family's seat is now Eden Hall, near Penrith.)

Another considerable portion of the estate, lying eastwards of the hospital, called the Grange, or East, or Far Grange, was sold by ————— to the Carr's of Cocken, and is now the property of Ralph Carr, Esq. The coal under Carr's portion belongs to Musgrave.—*Hutchinson's Durham*, vol. II., page 299; *Surtess's Durham*, vol. IV., page 61.

* *Valor Ecclesiasticus*, vol. V., page 301-2.

in history. It is not our intention to give any detail of the circumstances which led either remotely or immediately to the event in question, which would open too wide a field for disquisition, and carry us far beyond our limits, suffice it to say that in the year 1540, most of the larger monasteries were surrendered to Henry VIII. The prior and convent of Durham seem to have escaped better than most of their brethren. Hugh Whitehead, the last prior, surrendered the monastery on the 31st December, 1540; previous to which an "Act had been passed vesting all the religious houses, with their lands, rights, and possessions in the crown; by force of which, the king on the 12th May, 1541, founded the cathedral church, and appointed a dean and twelve prebendaries therein for ever; dedicating the church to the glory of Christ and the honour of the Blessed Virgin, by the name of The 'Cathedral Church of Christ and Blessed Mary the Virgin'; ordaining that it should be the cathedral church and episcopal seat of the reverend father in Christ, Cuthbert, then Bishop, and his successors, bishops of Durham, for ever. The king, by this foundation charter,* appointed the surrendering prior (Hugh Whitehead) the first dean, and twelve of the most eminent of the fraternity prebendaries, whom he incorporated by the appellation of the 'Dean and Chapter of the Cathedral Church of Christ and Blessed Mary the Virgin', and granted them a common seal, with power to the dean, for the time being, to appoint inferior officers, and ministers

* For a copy of which, see *Hutchinson's Durham*, vol. II., page 102.

of the church. By letters patent,* dated 16th May, 1541, the king endowed the church with all (or nearly all) its former possessions, having previously dissolved the inferior monasteries or cells which were dependent thereon.† Among the many places thus restored to the new Dean and Chapter of Durham, we find Southwick, Fulwell, Monkwearmouth, Sunderland, Silksworth, &c., &c. We do not mean to affirm that the whole town of Sunderland was conferred by Henry VIII. upon that newly incorporated body, but only such patches of property therein as had been held by the priories of Finchale and Durham, the guilds at Houghton, and the chantry or chapel at Sunderland just alluded to. The rest of the borough was and remained the property of the bishop.

* See this curious and very important record *in extenso*, in *Hutchinson's Durham*, vol. II., pages 105-14.

† *Hutchinson's Durham*, vol. I., page 423.



CHAPTER VI.

LEASES OF THE BOROUGH. EARLIEST NOTICE OF SHIP-BUILDING. HATFIELD'S SURVEY. THE YULEWAITSTAND. GRANT OF THE BOROUGH BY EDWARD IV. PATENTS OF BAILIFF AND WATER BAILIFF. COMMISSION OF QUEEN ELIZABETH. SUNDERLAND AND THE TRINITY HOUSE OF NEWCASTLE. COMMISSION OF CONSERVATORSHIP.

IN 1345, the rents of the borough of Sunderland, the passage by the ferry-boat, the fisheries, and the dues and profits of ships, vessels, &c., &c., plying to the port, were leased by, or otherwise accounted for to Thomas Hatfield, then bishop of Durham.*

In 1346, Thomas Menvill (probably the second son of John Fitz Adam Menvill, lord of Horden, in the parish of Easington), occupied a certain place at Sunderland, called Hendon, for the building of ships, paying to the bishop an annual rent of two shillings.†

This place is evidently the dene where Hendon Bath Hotel now stands, the property of Frances Anne, Marchioness of Londonderry. The sea has made heavy ravages upon this part : a lime kiln, on the north side of

* *Spearman's Enquiry*, page 24.

† *Ibid.*

the road leading from the bath house to the sea beach, built by Benjamin Hodgkin, Esq., solicitor, Sunderland, and afterwards the property of Hendry Hopper, Esq., of Hendon House, and tenanted for many years by Mr. William Dowell and his son-in-law, Mr. Smith Graham; a "ware" (sea weed or kelp) road on the south side of the burn leading from the sea beach to Hendon mill, &c., for the exclusive use of the bishop's copyhold tenants in that locality; the ground south of the bath house, on which was a platform with two heavy pieces of cannon upon it, during the wars of the French revolution, with the words "Hendon Bay" painted on their carriages, have all been washed away by the sea within our recollection. The dene at Hendon and the surrounding land are now held by copy of court roll, by the tenants of the Ecclesiastical Commissioners, as part and parcel of their manor of Houghton, at nominal yearly rents. In addition to his copyhold land at Hendon, Mr. Hodgkin held a lease from Bishop Trevor, for twenty-one years, at the yearly rent of two shillings and sixpence, from the 3rd February, 1769, "of all the sea rocks and loose stones lying within the high water-mark of the tide, between Sunderland pier on the north, to Ryhope Nook on the south." After Hendry Hopper, Esq., solicitor, previously of the city of Durham, became possessed of the Hendon House and some adjoining copyholds, this lease was renewed to him by bishop Egerton, on the 4th February, 1782, and by bishop Barrington, on the 23rd September, 1797, at the same yearly rent of two shillings and sixpence.

In 1358, bishop Hatfield leased to Richard Hedworth, of Southwick, the borough of Sunderland, with the fisheries, manor, and Wolton yare, together with all the profits pertaining to the said borough, for twenty years, under the rent of twenty pounds.*

From the above named Richard Hedworth, Sir William George Hylton Jolliffe, Bart., M. P. for Petersfield, and the Right Hon. Lady Noel Byron, are descended, representing the elder branch of the Hedworths of Chester Deanery; and the Right Hon. the Earl of Durham, and Sir Hedworth Williamson, Bart., represent the Hedworths of Harraton Hall, (now the site of Lambton Castle,) a younger branch of the same family in female blood.

The estate of the Hedworths at Southwick is now possessed by John Stafford, Esq., of Roker Terrace, Monkwearmouth; Thomas Pratt, Esq., of Union Street, Bishopwearmouth; Mr. Alderman Moore, St. Beda's Tower, Bishopwearmouth; Messrs. Scott, bottle manufacturers, Southwick, and others.

Between the years 1377 and 1380, Bishop Hatfield caused a general survey of the possessions of the see of Durham to be made, something after the manner of Boldon Buke, but in a much more extended form. It contains a full list of all the tenants, with the quantity of land they held, in addition to the enumeration of services belonging to each manor, which it contains in common with Boldon Buke, and thus possesses a still further interest than does that valuable record. It is singularly

* *Hutchinson's Durham*, vol. II., page 617.

curious as a repertory of names during the fourteenth century. Many of them are very remarkable; and it shews how much more settled had become the family name than it was at the time Pudsey made his survey in 1183.* Under Hatfield's survey,

HATFIELD.



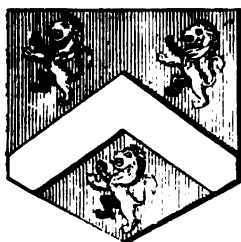
“ Thomas Menvill holds the borough of Sunderland, with the free rents of the said borough, which are of the yearly value of 32s. 8d., and with the fisheries in the water of Wear, also the borough courts, tolls and stallage, with eight yares† of the Lord Bishop, and with 8s. rent from the Prior of Durham for one yare called Ebyare, and with 8s. rent from John Hedworth for one

yare called Onnesyare, and with the right of drawing one net in the port of the said borough; he formerly rendered £20 per annum, and now renders per annum at the four terms £6.

* *Greenwell's Preface to Hatfield's Survey.*

† Yare, a dam thrown across a river to impede the free run of salmon, and so force them through the lock or trap, in which they were taken. Keeper or Kepier, near Durham, derives its name from kep, to catch, viz., the fish, and the yare, which crossed the river at the place. In bishop Beck's (1283 to 1310) roll, we find that the yare at Whickham had been destroyed by the men of Prudhoe, a lordship of the Umfreviles, situated higher up the river Tyne; probably it had been made higher than was usual, so as to prevent the fish from passing upwards even when the river was flooded. In such a case these higher up the stream would suffer; and they appear to have taken then, as often in similar circumstances is done now, the law into their own hands, and to have broken down the dam.—*Appendix to Greenwell's Translations of the Boldon Bks.* It seems probable that such of these yares at Sunderland, as were most detrimental to the port and river, were suppressed

"Exchequer Lands. John Hedworth holds one messuage with garden containing half an acre of land, and renders per annum, 12d. He also holds one cottage, formerly John del Shell's, and renders per annum 2s. 6d. He also holds another cottage, and renders per annum at the said terms, 2s. 6d. John Hobson holds



PRIVATE SEAL.

messuage and three roods of land, called Yholwatson, and used to render per annum, 6s. 8d., and now renders at the four terms, 3s. 4d. The said John holds a certain waste before his door in Wearmouth, and renders per annum, 2d.

"Waste Lands. And there is a certain place, sometime Richard

under subsequent episcopal commissions of conservatorship; particularly, a commission issued by Bishop Neville, the 24th of July, 1440, orders the reduction or removal before the feast of Saint Bartholomew, next ensuing of the following yares under the penalty of one hundred marks each, namely, against Robert Jackson, for yares called Marle-yare and Chestan-yare; John Wessinton, prior of Durham, for Drilad-yare and Eb-yare; John Hedworth, for Owen's-yare; Lord Lumley, for Outlaw-yare; William Bowes, knight, for Bowden and Biddick-yares; and Robert Hilton, knight, for Weydiles-yare and Synden-yare. These yares were not only a hindrance to the free passage of salmon and other fish up the river, but also obstructed the navigation, whereby the passage of ships, vessels, boats, and keels were greatly impeded, contrary to the form of the statute; "a grievous injury to all our community, and a manifest impoverishment of our royal liberties of Durham."—*Spearman*, page 30. Robert Jackson, mentioned above, was probably the bishop's coroner for Easington ward in 1432.—*Spearman*, page 21. He perhaps had a house in Sunderland, as well as at Farrington Hall, near Silksworth, for in the *Finchale Account Rolls* we meet with him (or at least a person of the same name) occupying, or rather holding, a tenement here belonging to that priory, for the rent of which he was in arrear in 1411, 1416, and 1431. In 1406, there was paid to Robert Jackson, for red herrings, twenty shillings; in 1411 (in part payment of six pounds, thirteen shillings, and fourpence), twenty shillings; and in 1412, there was paid in

Wearmouth's, at the end of the town there, formerly the lord's demesne, containing half an acre, which used to render per annum 2s., but is now waste and without a tenant."

In 1388, Lord John de Neville died, seized of ten burgages in Sunderland, held by fealty and suit at the borough court. About the same time, John Hedworth, (son and heir of Richard Hedworth above named,) who married Katharine, sister and co-heiress of Robert Darcy, of Harverton (Harraton), Esq., was seized of twelve acres of land in Sunderland, held under 8s. burgage rent and landmale.* The Hedworths held, at their highest pitch of elevation, besides Harraton, the manor of Southwick, the Grange of Saltwellside, Urpeth, Ricleden, near Chester, lands in Cleadon, Whitburn, Scots House, Jarrow, Hedworth, and Sunderland, and in Moorhouse and Picktree, part of the manor of West Herrington, derived^f from the heir of Darcy, the manor or grange of Burnigill, and lands in Woodham, Brafferton, and Bursblades, traced from the heiress of Chaunceler.† Part of the property of the Hedworths in Sunderland (which descended to, and was in the possession of Sir John Hedworth, who was knighted at Whitehall, 14th March, 1603, and died

full four pounds, thirteen shillings, and fourpence. *Account Rolls passim*. In 1421, Robert Jacson, of Sunderland, occurs (with William Lambton, Esq., of Lambton, Thomas Langton, of Wineyard, and Richard Bucley, Clerk,) as an arbitrator betwixt the Prior of Durham and Thomas de Claxton, relative to an out-rent of 26s. in Wolveston.—*Surtees*, vol. II., page 176.

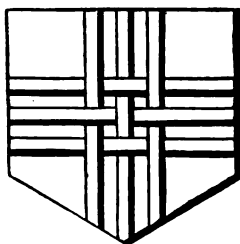
* Hutchinson's Durham, vol. II., page 251.

† Surtees's Durham, vol. II., page 178.

February, 1642-3) was situate on the north side of the High Street, between the present custom house on the west, and Dean's Yard, and the house, 129, High Street, (sometime the property and residence of Brass Crosby, Esq.,) formerly the leasehold of the Dean and Chapter of Durham, on the east,—as appears from the Gowland and Hugall manuscripts, belonging to the Earl of Durham, (a descendant of Sir John Hedworth,) now in our possession. This part of the Hedworth property in Sunderland is now possessed by Mr. Thomas Campbell, Mr. John Ferguson, Mrs. Lilburne, and others.

In 1390, Walter Skirlaw, bishop of Durham, granted

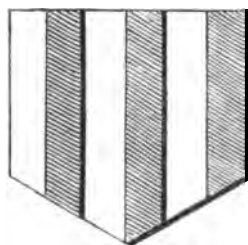
SKIRLAW.



a commission of survey of the river Wear. In 1406, and again in 1418, the rents of the borough of Sunderland, the ferry-boat, fisheries, and the profits and duties accruing from ships, &c. plying to the port, were accounted for to Cardinal Bishop Langley's auditor and chancellor.

In a rental of free tenants, 8 Bishop Langley, 1414,

LANGLEY.



under "Sunderland," mention occurs of "De quadam placea vocata Yolewaytestand,"—a certain place called the Yolewaytestand. This place is probably the same as that mentioned in Hatfield's survey, under the name of Yholwatson. The first syllable of this word is evidently the old northern name of

Christmas, that solemn festival which commemorates the day that gave

“To man a Saviour—freedom to the slave.”

It may be difficult (says the Rev. William Greenwell) to define in what “wayting” consisted ; probably it has reference to a service with which must be connected the protection of that manor-house in which the bishop happened to be residing during the festivities of Christmas. In *Mæss. Goth.*, “wahts” is watching, guarding. It is probable that our modern “waits” were originally simply watchmen, moving about from street to street during the night, and to enliven their round, and to give notice of their presence, adding a performance on some musical instrument. It appears that when not moving about, they had a station in which to rest.*

The musicians, (says Hone,) who play by night in the streets at Christmas, are called waits. It has been presumed, that waits, in very ancient times, meant watchmen ; they were minstrels at first attached to the king’s court, who sounded the watch every night, and paraded the streets during winter, to prevent depredations. Robberies, murders, and other acts of violence were become so frequent, that King Henry III, in 1253, commanded watches to be kept in the cities and borough towns, for the preservation of the peace ; and this king further ordained, “that if any man chanced to be robbed, or by any means damnified, by any theefe or robber, he to whom the charge of keeping that county, city, or borough

* *Greenwell’s Appendix to the Boldon Buke.*

chiefly appertained, when the robbery was done, should competently restore the losse."* In London, the waits are remains of the musicians attached to the corporation of the city under that denomination. They cheer the hours of the long nights before Christmas with instrumental music. To denote that they were "the lord mayor's music," they anciently wore a cognizance or badge on the arm.†

In Bishop Pudsey's time, certain cotmen and villans of Heighington, in addition to other services, rendered their portion of "yolwaiting"; and besides working "in all ways as the villans of Heighington," the villans of Killerby rendered 4s., and those of Thickleby, 2s. 8d. "of yolewaiting."‡ Under Bishop Hatfield, the bond tenants of Heighington rendered for "yollwaytyng" at the feast of the Nativity, 6s., those of Midridge, 5s., those of Killerby, 4s., and those of West Thickleby, 2s. 8d., for the same service.§ These extracts seem to shew, that in certain places in the palatinate of Durham, yulewaiting was a regular system of service due from the tenant to the lord. Hutchinson, speaking of yulewaiting, observes:—"Most of the ancient church customs were derived from the heathens, and this in particular; for when the sun approached to its winter period, or solstice, they devised the fable, that Typhon, or the evil spirit of darkness, was contending with the god of day, and that his legions were dispersed over the earth, to carry mischiefs

* *Every Day Book*, vol. I., page 827.

† *Ibid.*, I., p. 1626.

‡ *Boldon Buke*.

§ *Hatfield's Survey*.

to mankind ; therefore, to repel their malignity, or drive them from the habitations of man, music was used, and fires lighted. After Christianity was received, this old custom was retained, to please those whose minds superstition and ancient practices had prejudiced ; and the waits, or musical watch, and yule-fires, were continued, only applying them to the birth of our Saviour, the Sun of Righteousness, instead of the former ridiculous fable."*

In Italy, and in all Roman Catholic countries, down to the present time, itinerant musicians, attired in grotesque dresses and conical hats, perform music peculiar to themselves during the season of Advent and Christmas, for which they receive voluntary contributions from the inhabitants. The custom of religious parties singing in the streets early in the morning of Christmas day, is probably derived from these Roman Catholic minstrels, or yule waits.

Whether ever any of the bishops of Durham resided in this town we have no means of ascertaining. As lords of the manor or borough of Sunderland, it is by no means improbable they would have a manor house, wherein they occasionally spent a few days, during which the services of the yule waits would be called into requisition. Or the manor house might be the permanent residence of the bishop's lessee, or bailiff, or senescal, where all the borough courts were formerly held.

The site of the yulewaitstand in Sunderland is not accurately known, but it probably was near the market

* *History of Durham*, vol. III., page 203.

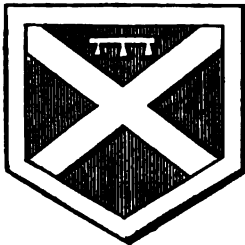
cross, in the High Street, near the foot of Union Lane, where all announcements were made in the days of yore.

The minstrelsy of the waits was continued in Sunderland for centuries, down to the year 1809, when the first Sunderland Improvement Act was passed, and watchmen established in room of the quondam musical guardians of the night. The last of the waits, and who for years traversed the street and lanes of Sunderland, and serenaded the inhabitants with nocturnal music, was George Stephenson, who, fiddle in hand, played a short lilt at stated places; after which Jacob Wake, his partner, cried out "good morrow masters and dames all," then gave the hour and the airt the wind blew from. The announcement was varied to suit circumstances, and notice was always given when ice or fresh was moving down the river. (Now-a-days the town bellmen laughably announce "That ice or fresh is coming down the river by order of the harbour master!" and upon a late memorable occasion, one of these public functionaries, about 10 o'clock at night, astonished Her Majesty's loyal subjects, by announcing that "the Emperor of Rooshia is dead, the Emperor of Rewsha's deed, poor Auld Nick's deyd by order of Lord Palmerston!!") The services of the waits were paid by the voluntary contributions of the inhabitants.

The waits were also engaged to make announcements to the people of victories gained by British valour during the wars of the French revolution. At that time a small clique of men existed in Sunderland, not numbering more

(to the honour of the town) than about twelve, known as "Jacobins," who openly avowed themselves admirers of the proceedings of those monsters in human form, the Jacobins of France; amongst whom were John Carter, Nicholas Collingwood, George Longueville, shoemakers, Walter Cockburn, engraver, John Waddell, cutler, and John Arkless, dealer in old books, who fought in the rebel ranks at the battle of Culloden. The naval victories of the glorious 1st June, 1794, at St. Vincent (February 14th, 1797), Camperdown (October 11th, 1797), the Nile (August 1st, 1798), and Trafalgar (October 21st, 1805), were all announced at Sunderland by the waits,* accompanied by large crowds of loyal inhabitants who invariably paid a visit to the houses of the sympathizers and fraternizers of France, before whose doors Stephenson played a patriotic air, followed by Wake proclaiming the victory, and the crowd giving such hearty British cheers as struck terror to the Jacobin enemies of their country.

In 1456, Robert Neville, bishop of Durham, granted



NEVILLE.

to Ralph Bowes, by copy of court roll, all the borough of Sunderland, the ferry-boat passage, fisheries, and the dues for ships, &c., to hold for his life.

On the 6th of March, 1457, Lawrence Booth, bishop of Durham, granted a commission to William Raket, John Staunford, and Robert

* Died in this city [Durham] at the Bede's Alms Houses, Queen Street, on the 10th inst., [April, 1867], aged 86, Mr. John Lightfoot. The deceased had for

Preston, to hold all the courts, as well of the Halmotes as of the Barons whatever, of the bishoprick, between Tyne, Tees, and Bedlingtonshire.

A vacancy occurring in the see of Durham, king Edward IV., by the following letters patent, dated February 12th, 1463, granted the borough of Sunderland to Robert Bertram.



Edward, by the Grace of God, King of England and France, and Lord of Ireland, to all our bailiffs and faithful subjects, to whom these presents shall come greeting. Know ye, that we, of our special grace, having seized unto our hands the temporalities of the bishoprick of Durham, have granted, confirmed, and leased to Robert Bertram,* the borough of Sunderland-near-the-Sea, with all and singular the commodities and profits appertaining or belonging to the said borough, together with the passage across the river Wear there, and the fisheries in the waters of the said borough, as free as Robert Preston lately held

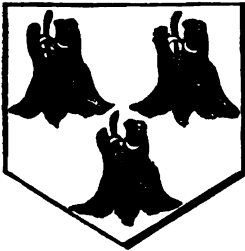
many years been apparitor [mace bearer] to the Bishops of Durham, and was probably the oldest parish clerk in the kingdom, having in that capacity officiated for the last 62 years, in the parish church of St. Mary the Less, in this city. He was also for many years one of the waits of this city.—*Durham County Advertiser*, April 17th, 1857, published by William Elliot Duncan and John Taylor Duncan, of the city of Durham.

* Robert Bertram was a very distinguished notary public at Durham, his name occurring in that capacity from 1452 to 1476; on the 22nd May, in which year he, Joan his wife, Isabel Milner his sister, and Thomas Bertram, chaplain, had letters of fraternity granted to them by the convent of Durham.—*Raine's St. Cuthbert*, p. 160. In the Account Rolls of the Benedictine House or Cell of Wearmouth for the year 1448-9, amongst other items of expenditure there is "Master Robert Bertram for writing a certain instrument concerning the matter between us and the Rector of Washington, 6s. 8d."

the said borough, or as he is understood to have occupied, held, and enjoyed the same. To hold to the said Robert Bertram, by himself, or his sufficient substitute or deputy for whom he shall be answerable to us, so long as the said temporalities remain and continue in our hands; rendering unto us annually, at our exchequer in Durham, six pounds at the usual terms. And we further grant, that the said Robert Bertram have a certain great ferry-boat, for the passage aforesaid, at our cost, and to be kept in sufficient repair, with all its appurtenances, as often and whenever it shall be necessary during the term aforesaid. In Testimony whereof, we have caused these our letters to be made patent. Dated the twelfth day of February, in the second year of our reign (1463)."

Lawrence Booth was bishop of Durham at this stormy

BOOTH.



period: he was private chaplain to Margaret, queen of Henry VI., and owed his elevation to the see entirely to her interest; he was also privy seal and chancellor to the queen. He was constituted Bishop of Durham on the 15th of September, 1457. During the civil wars which followed, he was attached by

gratitude and affection to the house of Lancaster; and, on the proscription of the Earl of Warwick, in 1459, the bishop took possession of his large estates in the palatinate. Bishop Booth, secretly, if not openly, espoused the cause of Margaret, previous to the battle of Towton, in 1461, in consequence of which he incurred the displeasure of King Edward IV., who, on the 7th December, 1462, seized the temporalities of the see of Durham, and, on the

28th of the same month, appointed John Fogge, knight, treasurer ; John Scott, knight, comptroller of the king's household, and Thomas Colt, guardians thereof, with power to appoint justiciaries, a chancellor, sheriff, escheator, and other officers there. The bishop continued under this disgrace until the 17th April, 1464, when the guardians were superseded, and the temporalities restored. The king also dispensed with the bishop's attendance on parliament for three years. During the bishop's disgrace, Margaret made several attempts to revive the cause of her family. The long struggle between the rival houses came to be decided in Northumberland ; and as far as the North of England was concerned, the battle of Hexham Levels, 1463, was the conclusion of the contest. Henry VI., his queen, Prince Edward, and the French nobles, who had been sent to his assistance by the King of France, marched with the northern lords of their party from Alnwick, about Whitsuntide. The command of the Lancastrian troops was given to the Duke of Somerset ; and the army was composed of French, Scottish, and Northumbrian soldiers, scarcely one of whom had not already fought or suffered for the cause they now came to defend. Their plea was the adored memory of Henry V., and their hope from his promising grandson. Original right and present possession threw great weight into the opposite scale. The Lancastrians encamped near the Linnels, on the south bank of the Devil Water, and awaited the advance of their enemies.

King Edward was at York ; but the Lord Montague, commander of the troops of the white rose party, was already in Northumberland, and had gained a battle at Hedgeley Moor, where Sir Ralph Percy fell,—the only

nobleman of his party who had "saved the bird in his breast."

Montague immediately marched towards Hexham, knowing that delay was life to the Lancastrians, and defeat death to their cause. On May 14th, the armies engaged; and, after a short but bloody battle, victory declared for the army of Edward. Henry owed his safety to the fleetness of his steed; and it is supposed that he enjoyed it only for a few days; at least it is certain that in the space of one year he was a prisoner in the tower.

The queen and the young prince escaped into the adjoining forest; and their adventures on that night are so romantic as to raise the tone of history. The rocky banks of the river Devil (commonly called the Deil's Water, near Dilston Hall, the seat of the unfortunate Earl of Derwentwater,) and the recesses of Hexham forest, were the retreat of a band of ruffians, who, in that period of distraction, found too fair a plea for their desperate life in neglected laws and the example of their betters. To all the insults of such men, the unhappy queen was exposed. Unawed by her rank, untouched with pity at her sex and situation—which were sufficient to palliate the crimes that stained her character—they seized her person, stripped her of her jewels, and would have proceeded to greater indignities, had not a fortunate quarrel about the division of their spoil afforded the queen an opportunity to escape.

Night and the forest shielded her from pursuit. But oppressed with sorrow, terror, and fatigue, she had not travelled far until another robber crossed her path. The great soul of Margaret was not to be depressed by accumulated misfortunes; she approached the man, and,

assuming the appearance of confidence, entrusted to him the defence of his prince. Impulse is seldom mistaken; great actions hardly ever plead in vain; and confidence unmasked is rarely abused. This ruffian had the feelings of a man, and immediately accepted the sacred trust reposed in him. The wretched but secure asylum to which he conveyed the unhappy Margaret, retains the name of the "Queen's Cave."* The roof is still supported by a pillar of rude masonry, as if to prove that man had once inhabited its melancholy gloom. Shortly afterwards the queen escaped to Scotland, and thence to the castle of Rene of Anjou her father, to make new attempts, which ended in the destruction of her hopes.

The Duke of Somerset was taken and beheaded at Hexham, and there buried. The Lords Roos, Molins, Hungerford, and Findern were also taken, and executed on the Sandhill at Newcastle, and were buried in the church of the Friars Minors and Augustines. Of those who escaped from Hexham field, the Earl of Kime was apprehended a long time after in Redesdale, and beheaded at Newcastle, and interred beside his fellow sufferers. Humphrey Nevill remained near the river Derwent, concealed under the earth for the space of five years, and was afterwards seized in Holderness, and beheaded by the Earl of Warwick and others.

* The Queen's Cave lies beneath the southern bank of the little river, exactly opposite to the farm house on the Black Hill. Its situation is extremely secluded. An idea of the queen's accommodations in this wretched retreat may be conceived from its present extent, which does not exceed thirty-one feet in its greatest length, and fourteen feet in breadth, while the height will scarcely allow of a person standing upright. According to tradition, the rude pillar forms part of a wall which divided the cave longitudinally for the accommodation of Margaret and her son.—*Wright's Hexham.*

All the French lords, except Sir Pierce Brace (or Breze) were taken at Holy Island, by Robert the Lord Ogle, and other lords and esquires of Northumberland, and were ransomed. De Brace threw himself into Alnwick with the French troops, and held out till he was relieved by the Scottish garrison of Berwick, under the Earl of Angus, and carried safely into Scotland. Sir Ralph Grey held out in Bamburgh; and Dunstanburgh was defended by a Frenchman called Goys. Thus these three strong castles held out for Henry VI., till Edward IV., being at Durham in 1464, sent the Earl of Warwick, Montague (now Earl of Northumberland), Scrope, and many other lords into Northumberland to recover these castles and subdue the country. Alnwick was twice taken and retaken. Dunstanburgh followed, and Goys was beheaded in York, the garrison being dismissed. Bamburgh held out till after midsummer. After its capture, Sir Ralph Grey was taken to Doncaster, and deprived of the honour of knighthood. His gilt spurs were hewed from his feet, his sword and all his armour broken upon his person, and taken from him in the field. He was afterwards beheaded.*

Three of Henry's followers were made prisoners at the battle of Hexham, who had in their custody his helmet and two crowns richly adorned, which were presented to King Edward IV., at York, on Wednesday, May 23rd, 1464.

Those of the Lancastrian side who escaped from the

* The reason of this punishment was his perjury and doubleness to Henry VI., the late king, and also to Edward IV. that now is. His head was taken to London, on Saturday, the eve of St. Mary Magdalene, 1464, and fixed on a high pole upon London Bridge for the public view. On whose soul God have mercy!—See the *Year Book*—Easter, 4 Edward IV., fol. 19, and *Gent. Mag.*, Nov., 1792.

battle of Hexham, endured misery in every shape and hue, till death relieved them. "I have seen the Duke of Exeter run on foot and bare-legged after the Duke of Burgundy's train, begging his bread for God's sake ; but he uttered not his name."*

The state of society at this period is too evident from the vicinity of the freebooters of Hexham forest, and from the fact that a spectacle like that which succeeded the battle of Hexham has found no place in the traditions of the people. No legend points out the scene of action, and historians differ so widely, that it is yet a pertinent question—where was the battle of Hexham fought? We have the Sandhill and the church of the Augustines, at Newcastle, recorded as the places of death and sepulture of the Northumbrian lords ; but no traditionary tale has preserved the place of the Duke of Somerset's execution.

After Edward IV. restored the temporalities of the see of Durham, 1464, Bishop Booth seems to have totally deserted those from whom he derived his first preferment, and such a chain of benefits. Under the attainders of the parliament of Coventry, the Bishop of Durham had seized the Earl of Warwick's estates within his province: under Edward IV., in 1470, those estates are, by the king's letters under his privy seal, confirmed to the bishop. In 1471, it appears he had interested the king so greatly in favour of the people of his province, that he obtained a safeguard for them, and in consequence caused a proclamation to be made throughout his territories against the adherents of Henry VI. and his family. This change of attachment we submit to the attention of our readers without comment. It was no greater difficulty

* *Memoirs of Philip de Comines.*

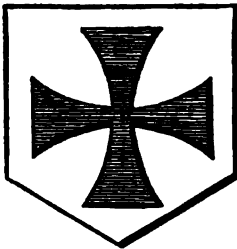
to a bishop of Durham to forget his patrons and friends, for the causes of interest and office, than it was to the lay lords, many of whom were marked with the same influence. Certain, however, it is, that Bishop Booth attached himself warmly to Edward IV., obtained his good opinion, and in June, 1473, was appointed to the important office of lord high chancellor of England.

Bishop Booth held the see of Durham until the 1st of September, 1476, when he was translated to the metropolitan see of York.*

In 1476, Bishop Booth granted a patent to Ralph Bowes, Esq., Sheriff of Durham, of the bailiwick (bailiff) of the borough of Sunderland.

After the translation of Bishop Booth, William Dudley, dean of Windsor, was elected Bishop of Durham, September 26th, 1476, and enjoyed that dignity six years, but does not appear to have been engaged in any public commission, though the state suffered great convulsions during his episcopacy. The coal trade, for which Sunderland is now so famed, seems to have been

DUDLEY.



insinuating itself into the Wear during the fifteenth century, as appears by the following extracts from the "Inventories and Account Rolls of the Benedictine House or Cell of Monk-Wearmouth," published by the Surtees Society in 1854.

1415-6. Received for the rent of the coal staith	s.	d.
called Thrylstanhugh	...	3 4

* *Hutchinson's History of Durham*; *Wright's History of Hexham*.

1416-7.	Received for the rent of the coal staith	s.	d.
	called Thrylstanhugh	...	...
		3	4
1418.	Received for the rent of the staith	...	0 20
1471-2.	Received of Michael Salter for the rent		
	of the coal staith this year	...	2 6
1472-3.	Received of William Lampton [Lambton]		
	for rent of the coal staith this year	...	2 6
1473-4.	Received of William Lamton for rent of		
	the coal staith this year	...	2 6
1475-6.	Received of William Lambton for rent		
	of the coal staith	...	2 6

To such of our readers as are unacquainted with the locality, we may observe that the coal staith, to which these extracts refer, was on the north or Monkwearmouth side of the river Wear, the rent of which was received by the master and monks of Wearmouth for the time being. The site of "Trylstanhugh" is unknown; but as its very name implies a steep and craggy place, it is presumed the coal staith was erected on the rocky shore of the river, somewhere between the present bridge on the east and Raven's Wheel on the west, where the river runs deepest. The formerly shallow water upon the beach generally east of the bridge would prevent the staith being built there.

At this distance of time no trace can be made as to what part of the river the coals of "Michael Salter" were worked; but it may be fairly presumed that Mr. William Lambton's coals were worked upon the Lambton estate, then lying altogether on the west side of Biddick, on the south side of the river Wear, and brought from thence by means of small lighters or coal boats (for so keels were anciently named) to the staith at Monkwearmouth.

The same mode of transit would of necessity be used in conveying the coals to load the small vessels, which only, for want of water, could enter the river or haven. The Pann sand and other shoals in the river would effectually preclude the small coasters from approaching the coal staith of Mr. William Lambton, at Monkwearmouth; which shows a strong contrast to the extensive and splendid coal staiths of his lineal descendant the Earl of Durham, on the opposite side of the river Wear at Bishopwearmouth.

In 1494, the rents of the borough, ferry-boat, fisheries, &c., were accounted for to Bishop Fox. In 1479, Robert Symson was water bailiff of the Tyne, Wear, Skerne, and Gaunless.

FOX.

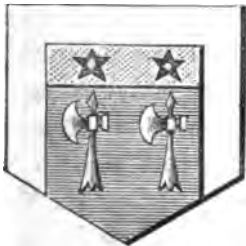


In 1502 and 1503, William Sever, Bishop of Durham, enjoyed the rents of the borough of Sunderland, the passage across the river by the ferry-boat, the fisheries, and the ducs upon the

shipping of the port.

In 1507, Cardinal Bainbrigg, Bishop of Durham (1507-8), granted the borough of Sunderland, by copy of halmote court roll, to Sir Ralph Bowes, of Dalden, knight, under the rent of six pounds.*

BAINBRIGG.



By letters patent, dated Sept. 28, 1507, Bishop Bainbrigg appointed John Racket conservator of all his the bishop's rivers of

* Spearman's Enquiry, page 31.

Tease, Weare, Tyne, &c., within his bishoprick, and for preserving salmon, and fry of fish therein, according to the law and custom of England and the bishop's royal liberties of Durham. Saving amercements.* A confirmatory grant of this patent was made by the Prior and Convent of Durham.

Bishop Bainbrigg also granted a license to John Hedworth to alienate lands in Sunderland. This John Hedworth, Esq., of Harraton Hall, was the brother and heir of Thomas Hedworth of that place, who died without issue in 1483, and son of Robert Hedworth, of Harraton, Esq., by his wife Margaret, daughter of Thomas Lambton, of Lambton, Esq., and great-great-grandson of Richard Hedworth, of Southwick, lessee of the borough of Sunderland in 1358. He was a commissioner of array, 20th April, 8 Bishop Sherwood, 1492, and married Ellen, daughter and coheiress of John Hoton, of Herdwyk, in the county of Durham. By will, dated 1533, of which the following is a copy, he charged his estate in Sunderland with the payment of ten shillings per annum for ever, for the singing of mass for the good of his soul.

"In Dei Nomine, Amen. The xxiiij day of January in the yere of our Lorde God one thousand fyve hundrethe and xxxiiij¹⁰ I John Hedworthe esquier of haverton within the p'ishinge of the Colledge Kyrke of Chester in the street beinge of good mynd and holl [whole] memorie thoffe [thereof] I be sike [sick] in my bodye seinge the perell of deaith apperinge unto me maiks my testament in this manner. Ffyrest I com'end my soll [soul] to God almightie and to the blessyde v'gine mare [Virgin Mary] (and to all the saincts of heven and my body to be buried

* Spearman's Enquiry, page 29.

within the colledge Church of Chest^r in the Streite in oure ladie's porche with my mortuarij after the custome of the lawe. And I bequethe to prestes and clarkes beinge at my darige [dirge] in the daye of my obye [death] xx^s Also I wyll that on [one] prest singe masse iii yerres for the well of my sowll and all christen sowlls and to have messe and diridge songe at Chester for well of my sowll yeirlie for ever more and therefo' to take x^s of my lands in Sonderland to do it withe all. Also I bequeth to my ladie hedworthe two rialls of gold and sir thomas tempesse Knight maistr Rob't beuys esquyre John lampton esquire Robr't myllot nicholas tempese Thomas lawson Richard hedworthe Jane and Elizabeth my dowghters to euery [every] on of them on Ryall of gold to a tokene. Also I bequethe to Raufe hardinge one gryssell stage [stag] and xij nowte [neat or horned cattle] of eu'y sort for. Also I bequeth to Thomas Jackson xl^s and to eu'y one of my sarvants boith men and women iij^s iiij^d and to John lawson xl^s and will^m his brother xl^s and to besse stote xx^d oltevall fenwycke iij^s iiij^d Sir Robt dawsone a noble and to Sir Richarte dunsforthe iij^s iiij^d. Also I bequethe to sir Raufe my sone and his heirs mayll my chyne of gold and all my silver plaite and spoons except my wyfe parte And that plaite or spowns that my executors shall gyve to Antone my sone as they thinke good be the sight and counsell of my sup'visors and faillinge his heirs mayll then to remaine to Anthone my sone and his heirs mayll and faillinge the heirs mayll of them boith then to be geven to on prest to synge meysse [masses] and to pray for my sowll And I bequethe to my sonne Sir Raufe iij draughts of Oxen. Also I bequethe to Antoinye my son one draught of Oxen.

Also I will that Antone my sonne and Betress my dowghter have their borne partes of my goodes after the Lawe and custome of the cuntre. Also I ordaine and mak S^r thomas hylton Knight and Will^m lawson gentleman sup'viso^r to my executors to gyve the good counsell and helpe and defende theme that non may do them wronge as far as they maye and for their labor I gyve either of them on Ryall of Golde and their costs to be borne be my executors. The Resedue of all my goodes afor not bequethede my debts payd I bequithe and gyve to heleyne my wffye and sir Raufe hedworthe my sonn whom I ordain and maik my executors they to dispose and do that thing y^t shallea seyme unto them best to p'feit for well of my sowll and to please Almightye god. In witnesse hereof I have called they. witnesses Will^m lawsone, Antonye hedworthe, S^r Richarte dounfurthe my curate, Sir Robert dawson, Raufe hardinge and thomas Jackson wth others geven the day of monethe and the yeire of our lorde god be foresaide."*

John Hedworth Esq., was succeeded by his son, Sir Ralph Hedworth, of Harraton, Knight, who married, first, Anne, daughter of William Hilton, of Hilton Castle, Esq., Baron of Hilton, by whom he had issue four daughters and one son, John, his successor: he married, secondly, Dorothy, daughter of Sir Henry Gascoigne, of Sedbury, in the county of York, by whom he had two daughters. Sir Ralph married, thirdly, Catharine, daughter of Marmaduke Constable, of Holme, in the county of York, Knt., by whom he had four sons and two daughters. The Inventory of Sir Ralph is dated 12 Feb., 1565, wherein the rooms and furniture are all specified, com-

* From the collections of Mr. John Moore, Cambridge Terrace, Bishopwearmouth.

prising, inter alia, "A payr of virgenalls xls. A strawe bed (in the utter parlour). THE APPARELL. One tawen-rye velvet gowne furred wt'h black satten ijl. vjs. viijd. A black satten gowne furred w'th martens iijl. A short tawney velvet gowne xls. A cremmsen satten doublet xxvjs. viijd. A sword and a dagger xiijs. iiijd. A purse and money xs. Total ccxlixl. xvijjs. xd. THE FUNERAL EXPENSES. To Thomas Hall of Durisme for Clockes xiiijl. ijs. xd. For Cappes ribbons and schotchons xxxvjs. ij^d. Charges made at ye churche v^l." The will and inventory of Lady Katherine Hedworth, who survived Sir Ralph, is as follows:—"In the name of God, Amen, the 23 June 1568, I Katherine lady hedworth late wiffe of Ralphe Hedworth of harvertoune, Knight, deceased, make this my last will and testament in man'r followinge. Ffirst I bequieith my sowll to Jesu Christe my redem'r and my bodye to be buryed in the churche att Chester w'th oblations ther due and accustomed. It'm I most hartelye desire my lord of Westmorland* to take my sonne Charles to be his servaunte. It'm I desire Mr. Cuthbert Nevell to take my sonne Arthure, also I desire my sonne Marmaduke hedworth to repare to Oxford to applye learninge. It'm I desire George Lawson of London to take my sonne John hedworth to use him as he will. It'm I will my cosine George Lawson of Appelden, my cousin Raufe harden, esquier and Richard harbottle gentleman to have the gov'nance and tuition of my iiij sonnes Charles, M'maduke, John and Arthure and ther

* The Earl of Westmorland was the owner of the extensive domains of Brancepeth and Baby in this County. He and the Earl of Northumberland headed "The rising of the North," in the year 1569, intended for the restoration of the Roman Catholic religion. The failure of the insurrection gave a heavy blow to Roman Catholicism in the northern counties of England.

goods during ther minoryte. THE INVENTORYE of all the goods movable and unmovable belonging to the late Ladye dame Katheran hedworthe of Chester disceased, praysed the third of August 1568 by thes six honest me' whose names ensueth,—Robert lisle, thomas todd, will'm punsion, John shere, george scotte and John m'shall. HERINGTON. Imp'. Corne on the earth xiv^l. xiiij oxe' and stotts drawe' xxvj^l. xiijs. iiij^d. ij stotts and a cowe iiij^s. iiij^d. vi whyes and one stott twint'rs [two years old] xiijs. iiij^d. x stirks [yearling oxen or heifers] iiij^l. vjs. viij^d. ij meares and a nagge v^l. vjs. viij^d. wheat in ye barne xl threave iiij^l. hay iiij^l. plewge and plewge gears, waine and waine geare, w'th one old oxe harrow and all y't belongith to plewghe and waine ijs. One arke [corn or meal chest] and a lepe xijs. One almaryl and ij chares vjs. viij^d. S'm cij^l. THE STORE HOUSE. Imp'mis ij pare of lin sheets xs. vj linne bord clothes, longe and square viijs. One old longe diop' brod cloth and two square vjs. ij old diop' towells xij^d. viij old diop' napkins xij^d. three linne towels iiij^s. xij old linne napkins xx^d. x yeards of harden [coarse linen] cloth iij^s. iiij^d. One pare of harde' shetes iij^s. iiij^d. wood geare xs. S'ma lvij^s. iiij^d. HER APPERELL. Imp'mis one tawny velvet gowne iiij^s iiij^d. one black satten gounne garded w'th velvet xl^s. one read sathan damaske kirtle w'th a traine xs. one old velvet halfe kirtle viijs. one old sathan halfe kirtle gairded with velvet xs. one tawny velvet gounne for a man iiij^s. iiij^d. on black satten gowne faced w'th m'ties iij^l. one old short velvet gowne xs. one creimsey satten doublet xxvj^s. viij^d. read cloth for a petticoate xiijs. iiij^d. ij frenche hoods xv^s. two hattes xs. one old teaster of a bed read

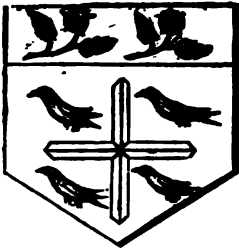
and white damaske xs. one bord cloth vjs. iiij*d*. &c. &c. S'ma xix*l*. ijs. ij*d*. THE PARLOUR. Two counters xxjs. one square table vs. one great chiste iiij*s*. vj formes vs. one almerye and one cupbord xs. one skuse xij*d*. one yron chimney vs. one bedstead w'th a fether bed, one cou'ing, one happing, one blankett w'th one paire of harde' shets, ij bolsters xv*s*. one grene wollen table cloth xvi*d*. &c. &c. S'ma iiij*l*. ix*s*. THE HAWLLE CHAMBER. one trussing bed w'th teast'r and curtains of silke ij courtains of sarsnet ye test'r of damaske all old xx*s*. old hing's about ye chamber ijs. one pare of virginalls xx*s*. one counter vs. S'ma xlvij*s*. IN MY LADYE'S CHAMBER. one trussing bed, one fether bed, one payre blanketts, one pare of shets, one bowlster, one pillowe w'th a haswine cou'ing iiij pillowes xliij*s*. iiij*d*. two fflanders chistes xs. one almerye xs. ij cupbords vjs. viij*d*. ij coffers vjs. ij cupbord stoulls ijs. iiij*d*. ij buffet formes ijs. one litle buffet stole vj*d*. ij litle coffers xij*d*. v mugges xj*d*. ij old. quishiunes xvj*d* S'm iiij*l*. vs. viij*d*. IN THE MILKE HOUSE. one chiste ijs. vi*d*. one kirne xij*d*. xiiij milkebowels ijs. one chese presse viij*d*. ij ches-futts w'th ij sinkers xij*d*. one ches boull xij*s*. one stand vj*d*. one wood mortar w'th an yron pestell viij*d*. &c. &c. Some xiiij*s*. xd. IN YE BREWHOUSE. one gile tub, one maskin tub, and one gilefatt ijs. iiij leven tubbs and one boultung tub and one saye ijs. ij*d*. Some iiij*s*. ij*d*. IN THE KITCHINGE. ij chistes ijs. one old almerye viij*d*. vs. keyls and a sey ijs. ij bowls and a salt tub vj*d* one yron chimney w'th ij crookes, one porre [poker], one pare of racks w'th a fyer showell, one dropping panne, one pare of broyling yrons w'th ij spets xiiij*s*. iiij*d*. one old caldron ijs. iiij*d*. ij pannes ijs. iiij*d*. ij ketles vjs.

v pots one posnets iij^l one copp' yetlinge vjs viij^d. v
 pannes of buttrye iij^s. S'm vl. vjs. iij^d. IN THE PANTRYE.
 ij hogsheds, one barrel full of vergis, ij kirnes &c. Some
 xs. IN THE HALL. one old counter, one brake xij^d.
 pewther in the storehouse ijs vii^d. vj old basinges and
 ewers vs. xxxiij dublers [large dishes of earthenware]
 iij^s iij^d. iij chargers viij^s. ij dozen and a halfe of pew-
 ther trenchers xs. ij pottengers xj^d. S'm vj^l xij^d. IN
 BRAIN'S CHAMBER. plaite xxvj unce p'sed to vij^l xvjs. xx
 loades of coales xxvjs viij^d one pecoke, one henne and
 iij birds iij^s one turkey coke, one turkey henne, ijs
 BURNIGAYLE Five kye, ij oxe hagge xl iij stotts
 [young oxen], iij calves iij^s iij^d xxx geise &c. &c. S'm
 xv^l xxjs iij^d S'm totalis inventoriij ccxxix^l xs vij^d
 DEBTS W'CH THE SAYD LADYE DAME KATHERINE HED-
 WORTH WAS OWING ATT THE DAY OF HIR DEATHE.
 Imp'mis Thomas Hall of Durham for clothe ix^l viijs iij^d
 for his costes at hir buriell vj^l xijs iij^d. Servantes wages
 iij^l xs for his hinds wages xs to John haswell smith xs
 to thomas tayler of herington ijs for one obligation cl^l
 to Charles hedworth for his childe porcion in legacies
 xxx^l iij^s viij^d to ma'maduke for his childe porcion and
 legacies xxj^l xs iij^d to John for his child &c. xx^l xijs
 to Arthure for his child &c &c xxij^l xvjs jd to Elinor for
 hir child &c vj^l to Jane for hir child p'te xlvij^s iij^d
 S'm totalis ccxxvij^l vjs iij^d It'm for xx lode of coles
 at vij^d the lode xcvs viij^d S'm totalis ccxxij^l vjs iij^d**

* From the Collections of Mr. John Moore, Cambridge Terrace, Bishopwearmouth.

Of the history of Sunderland during the episcopacy of Thomas Ruthall, bishop of Durham (1509-22), little is

RUTHALL.



known. That prelate was in great esteem with Henry VII., and afterwards with his son and successor, and held the distinguished offices of one of the privy council, keeper of the privy seal, and secretary of state, and was employed under both these sovereigns in several matters of the greatest moment.

Chambre tells us, that, on account of his singular wisdom, he was constantly retained at court; so that he had it not in his power to pay much attention to his bishoprick. Ruthall died in London, 4th February, 1522, of disappointment and grief, having delivered, by mistake, the inventory of his own private fortune, amounting it is said to £100,000 (instead of a survey of the value and revenues of each county, which he had drawn up by command of Henry VIII.), to Wolsey, who with malicious satisfaction placed the record before his majesty, sarcastically observing, that though he would not meet with the account he expected in that volume, yet he would know where to

WOLSEY.



apply for money when he wanted.* On the 23rd Feb., 1522, Bishop Ruthall was succeeded by Cardinal Thomas Wolsey, who resigned the bishopric of Bath and Wells for that of Durham, which he held 7 years, and was translated to Winchester, 27th April, 1529. Wolsey was too much engaged with the

* *Hutchinson's Durham*, vol. I., pp. 388, 398.

intrigues of state, to attend to the affairs of his diocese, which he never once visited.

In pursuance and execution of the royal power and jurisdiction of the county palatine of Durham, anciently all land soldiers, and also all ships of war, ~~within~~ the said county, were arrayed, armed, and equipped by the bishop's commissions, or writs in his name, and ~~out~~ of the chancery at Durham, either to his sheriff or to commissioners, upon receipt of notice, or command from the king, by his majesty's writ, or summons, to that purpose; as appears by many such commissions, or writs, upon the rolls of the bishop's chancery at Durham. * In right of this prerogative the Cardinal bishop in 1526 issued his commissions, with the king's instructions annexed, for arraying ships in the ports of the county palatine, to attend and serve under the king's admiral in the north seas.† Cardinal Wolsey died at Leicester, Nov. 29, 1530, and was privately buried in the chapel of the abbey there. His character has been variously estimated. Shakspeare, ever inclined to charity, makes Thomas Cromwell, afterwards Earl of Essex, pronounce the following eloquent apology :—

“ This Cardinal,
 Though from an humble stock, undoubtedly
 Was fashion'd to much honour from his cradle.
 He was a scholar, and a ripe and good one ;
 Exceeding wise, fair spoken, and persuading ,
 Lofty, and sour, to them that lov'd him not,
 But, to those men that sought him, sweet as summer.
 And though he was unsatisfied in getting
 (Which was a sin), yet, in bestowing, madam,
 He was most princely : Ever witness for him
 Those twins of learning which he raised in you,

* *Spearman's Enquiry*, page 11.

† *Spearman's Enquiry*, page 13.

Ipswich, and Oxford! one of which fell with him,
 Unwilling to outlive the good that did it;
 The other, though unfinish'd, yet so famous,
 So excellent in art, and still so rising,
 That Christendom shall ever speak his virtue.
 His overthrow heap'd happiness upon him;
 For then, and not till then, he felt himself,
 And found the blessedness of being little:
 And, to add greater honours to his age
 Than man could give him, he died, fearing God."

King Henry VIII, Act 4, Scene 2.

The bishops of Durham, time out of mind, have used and enjoyed a royal jurisdiction of admiralty within the county palatine, by their commissions and patents appointing commissioners, a vice-admiral, a registrar, a marshal, a water bailiff, and other such like officers, who acted therein constantly beyond memory, both on the sea coasts, and in all the rivers throughout the whole county, and the dependencies or liberties thereof. And accordingly the said bishops have constantly had, and enjoyed, all the privileges, forfeitures, and profits, incident thereunto, or thereby accruing due (as count palatine and chief lord) within the county palatine, as the kings have without it, viz—wrecks of the sea, duties for ships applying to his ports, anchorage, beaconage, wharfage, moorage, butlerage, and other such like advantages.

Also they have, and still [1697] enjoy, divers ferry boats over the navigable rivers within the said county, and wharfs or quays for laying ballast upon, or merchants' goods from ships, and the metage of corn laden and unladen there; and divers fishings and dams over the said rivers; and houses and shops on the south side of Tyne Bridge* whereof leases have been anciently

* This must be understood as applying to the old bridge at Newcastle, whereon was a tower, several houses, and shops, swept away by the memorable flood, of November 17, 1771. Across the footpath, on the eastern side of the present structure, is a *blue stone*, marking the boundary of the two counties.

granted, and are still renewed : all which privileges and benefits have been confirmed or allowed as well by ancient royal charters as by other records ; and upon occasion of contesting any of them, they have been adjudged for the bishop, or his lessees, or assignees.

The bishops of Durham have also had and enjoyed all royal fishes, and wreck of the sea, within the county palatine, and made grants thereof, and anciently awarded commissions out of the chancery at Durham, in their own names, and under their seals, to commissioners to enquire of, and seize, such wrecks to the bishop's uses.

The bishops of Durham likewise reserved and enjoyed the customs and profits of ships and fish within the ports of the county palatine ; and anchorage, beaconage, and other such like profits and duties accruing thereby.*

In December, 1529, Cuthbert Tunstall, then bishop of London, was translated to the see of Durham. In the last year of his episcopacy, bishop Tunstall, by the following letters patent, appointed Mr. Thomas Smith bailiff of the borough of Sunderland.

"Cuthbert, by the Grace of God, Bishop of Durham, to all

TUNSTALL.



to whom these our present letters shall come greeting. Know ye, that we of our special grace, and for the good and loving service which our beloved servant Thomas Smith hath hitherto done, and in future will do, to us and to our successors, in our cathedral church of Durham, do give and grant to

the same Thomas Smith, the office of bailiff, of our town

* *Spearman's Enquiry*, pp. 5, 6, 21, 23.

and borough of Sunderland, in the county of Durham, as well to the collectorship of our rents and farms there. And we appoint and depute the same Thomas Smith, bailiff of our said town and borough, and collector of rents and farms aforesaid by these presents, to hold to the said Thomas Smith, the said office to the end of his life, by himself or his sufficient deputy, for whom he will be responsible to us, to have and receive for these offices annually from us and our successors, twenty-six shillings and eightpence, by his own hand, at the feasts of St. Michael the Archangel, and at Easter, by equal portions, out of the profits of our said town and borough, to be to him annually paid and allowed. Provided always that the said Thomas Smith shall annually answer, and a true account deliver, of all and singular the sums of money coming to his hands in any way, by reason of his said offices to us and to our successors. Giving and granting to the said Thomas Smith, full power and authority to do, exercise and obtain all and singular the things which to these offices pertain. Directing and commanding all and singular our officers and tenants of our town and borough aforesaid, to be aiding, and assisting, and obedient to the said Thomas Smith and his deputy in all things lawful, and which to the said office shall appertain. In witness whereof, we have caused these our letters patent to be made. Witness, Michael Wandisforth,* at our chancery at Durham, the fourth day of January, in the first year of the reign of Elizabeth [1558-9], by the Grace of God, Queen of England, France, and Ireland, Defender of the Faith," &c.†

* Chancellor of the County Palatine of Durham.

† From the Bishop of Durham's Auditor's Office, Exchequer, Durham.

Bishop Tunstall also granted the said Thomas Smith a lease of the anchorage and beaconage of Sunderland.*

Cuthbert Tunstall was the last Roman Catholic bishop of Durham. He acknowledged and preached in favour of Henry VIII. as supreme head of the church, and held the same views during the reign of Edward VI. Under Mary he changed this opinion, and adhered to the supremacy of the pope. Upon the accession of queen Elizabeth, he refused to acknowledge her supremacy, for which he was, in July, 1559, deprived of his see, and committed to the honourable custody of Dr. Parker, archbishop of Canterbury, who kept him in the most kind, friendly, and brother-like manner, at Lambeth Palace, where he died on November 18, 1559, aged 85 years. He was buried in the chancel of Lambeth church, at the expense of the archbishop, and a black marble stone placed over his grave with a suitable inscription. Bishop Tunstall (who was the uncle of Bernard Gilpin, the apostolical rector of Houghton-le-Spring) was possessed of a mild and tolerant spirit, and refused to allow prosecutions in his diocese for religious opinions, then practised by several other prelates. Collier, speaking of Bishop Tunstall, says, "This prelate had seen as great a variety of fortune as most men; he had lived in difficult and in easy times; he had known both protestants and papists in power, and yet from all parties, and in all revolutions of government, he had found favour. The truth is, he was well versed in the arts of temporizing, and possessed a large share of that complying philosophy, which, taking offence at nothing, can adapt itself to all things." He was indeed, an ac-

* Spearman's Enquiry, page 25.

complished, learned, and excellent prelate, and the author of many valuable works. He was a sincere friend, and a zealous encourager of learning and good men; and where he was not under the influence of court maxims, "he gave the example of a true Christian bishop." He was very charitable, and is said to have annually distributed at Bishop Auckland, on Good Friday, a bushel of silver pennies amongst the poor, of his own coining. Of these pennies he made three issues during his episcopacy, with some trifling variations in their inscriptions. Mr. John Mitchell, jeweller, 222, High Street, Bishopwearmouth, great grandson of Mr. Robert Mitchell, jeweller, Sunderland, is in possession of two pennies of his second issue: Bishop Tunstall was the last prelate of Durham who exercised the privilege of coining at the palatinate mint.*

* It is unknown when the episcopal mint was first established; it must, however, have existed for many years previous to the compiling of Boldon Buke wherein it is thus noticed: "The dies of the mint used to render ten marks, but the Lord King Henry the second, by means of the dies which he placed in Newcastle for the first time, reduced the rent of ten marks to three marks, and in the end took away the dies which had been in use for many years before that time." Coins of William the first or second, minted at Durham, have been found, but those are probably from the royal mint there. From the entry in Boldon Buke it appears that the privilege of coining had been taken away from the bishop, perhaps by the general act of resumption in the first year of Henry the first (1154). It was not restored till the year 1196, when Richard the first gave license to Bishop Philip de Pictavia to coin money. The site of the mint was on the east side of the Palace Green, as we learn from a survey of Bishop Skirlaw, which confirms the tradition, that the mint occupied the place where the bishops stables now stand.—*Greenwell's Boldon Buke*. The *Valor Ecclesiasticus*, temp. Henry the eighth, thus alludes to it:—

" Site of the Castle and Palace there (Durham) with the Coinage of Money,	} £3 6 8
With a close called Bishop Meadows, near the said castle,	5 0 0
Total value per annum,	£8 6 8

Shortly after her accession to the throne, queen



Elizabeth issued a commission, the following particulars of which are given from the notes of Mr. Thomas Edlyne Tomlins, 2, Barnards Inn, London, the record agent engaged on behalf of the defendants, in the cause of the Master and Brethren of the Trinity House, Newcastle - upon - Tyne, plaintiffs; and William Orton Bradley,

Esq., of Sunderland, and another, defendants, alluded to at pages 223 and 235.

"I have searched for the commission issued in pursuance of the Statute of the first year of the reign of Elizabeth, [1558-9] c. 2, and found the same, entered together with the return thereto, upon the Memorandum Rolls of the Queen's Remembrancer of the Exchequer, London, being entered in Hilary Term, the eighth year of Elizabeth, Roll 342. I here add my notes.

"The commission was to enquire, survey, examine, and certify all and singular the matters contained in a certain Schedule of Articles thereunto annexed. The articles thus to be enquired were (inter alia) these: 'What number of creeks do belong to the said port of Newcastle, and how far every of them is distant from other, and unto

what shires every of the said creeks do extend, and which of the said creeks be most frequented and haunted with the traffic of merchants, and are meet to be continued for the same, and whether any of the said creeks be decayed, and by what occasion, and whether it be necessary for the service of her Majesty and the commonweall of the country thereabouts, to repair the said creeks, and the charges of the such repair, and what custom house do belong to every of the said creeks. In how many of the said creeks the customers of the said port have had deputies or servants that they have taken entry inward or outward within ten years next before the first year of her Majesty's reign.' The return to this part of the Articles, was a certificate of certain articles touching the port of Newcastle-upon-Tyne, and the creeks belonging the same. After answering certain articles concerning the port of Newcastle-upon-Tyne, the commissioners say they find—' There is five Creeks belonging unto the said Port, Blith (Blyth) to the north of the said Port, distant eight miles ; another to the south, called Sunderland, distant six miles, within the Bishoprick of Durham ; the third Creek or Hauen, called Hartylpool (Hartlepool), distant from the said Port twenty miles, and from Sunderland fourteen miles ; the fourth Creek, called Stockton, stands upon Teyse (Tees), distant from said Port twenty-six miles, and from Hartylpool four miles within the Bishoprick of Durham ; and also the fifth Creek, called Whitbye (Whitby), distant from the said Port forty-four miles, and from Stockton twenty miles within the county of Yorkshire.* That Hartylpool and Whitbye are most fre-

* The distances given from the Port to the Creeks, are measured from the mouth of the river Tyne, formerly within the Port of Newcastle, now (1857) included in the Port of Shields.

quented for Traffic, and are meet to be continued for the same. That Hartlypool is much decayed, and that the pier ought to be repaired. That there has been a Custom House at Hartlypool, but none within Whitbye, but a house which the Customers use for that purpose. That the other of the Creeks are little frequented or haunted with traffic of Merchants or Merchandize. That the Customers of Newcastle have had deputies at Hartlypool and Whitbye who have taken entries inward and outward since the ten years previous to the first year of Elizabeth.' ”

In addition to the above extracts, Mr. Tomlins adds,—

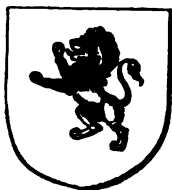
“ ‘ The certificate negatives there being any other place where wares and merchandize can be transported beyond seas, saving at the said Ports and Creeks above mentioned, and that there were no warehouses to prevent the queen being defrauded of her customs.’ ”

“ So far the return the only notice that is taken of Sunderland, directly or incidently, appears in what I have above extracted or noted, from which you will collect that Sunderland was a Creek with others little frequented or haunted with Traffic or Merchandize.”

At the date of the commission of Elizabeth, and down to about the year 1645, in the reign of King Charles the first, when Messrs. John Pewtenger and Robert Adamson were the principal officers of the king's customs at Sunderland, all dues arising from customs at Sunderland, Stockton, or Blyth, or accruing from the conservatorship of the rivers Wear, Tees, and Blyth were received by the officers of the bishop of Durham, as count palatine, and accounted for to him at his exchequer, Durham.

Hartlepool, although within the bishoprick, was at different periods under the civil jurisdiction of the family of Brus, the bishop, and the crown. It was incorporated by queen Elizabeth ; but it remains unknown when the crown became possessed of its customs. It is evident they were in the possession of king Edward VI., from the words of the

BRUS.



return :—

“ That the Customers of Newcastle have had deputies at Hartlpool and Whitbye, who have taken entries inward and outward since the ten years previous to the first year of Elizabeth.”

Sunderland has subsequently been accounted a member or “ creek” of the port of Newcastle-upon-Tyne. In a commission returned into the Exchequer, in Michaelmas term, 28 Charles II., 1676, we have the following descriptions of its lawful keys (legal quays or wharfs for shipping and landing goods chargeable with duties), viz. “ the Custom-House Key measures one hundred and fifty-six feet in length, and forty feet in breadth, bounded by the Custom-House on the south-south-east, by the haven on the north-north-west, by the house occupied by one Adam Nicholson [see pp. 117, 125, 126, 127], on the west-south-west, and by the sea on the east-north-east.— Thomas Huntley’s Key, which measures forty-five feet in length, and thirty-five in breadth, bounded by the town of Sunderland towards the south-east, by the haven on the north-west, by John Taylor’s* house on the south-west, and by the house occupied by Robert Pease on the

* At a Bylaw of the freemen held June 10, 1700, John Taylor was elected a stallinger in the place of William Scarbrough who was then newly elected a freeman.—*Freemen’s Election Book*. See also p. 119 of this work.

north-east." The custom house quay is a part of the premises (formerly held by the priory of Finchale) purchased about the year 1664 by Walter Ettrick, Esq., (collector of Customs,) under a lease from the Dean and Chapter of Durham to William Belasyse, Esq. (second son of Sir William Belasyse, Knt. the first and only mayor of Sunderland under bishop Morton's charter), which premises were again leased by that body to Mr. Ettrick, by indenture dated 21st July, 1694, and described as "All that close or waste ground, house, walls, keys, wharfs and buildings thereupon, standing and being in or near Sunderland, containing in length, 50 yards from the Coney Warren on the east to a parcel of ground reputed formerly to belong to Sir John Hedworth since built on and then in the possession of Thomas Smith on the west, the High Street on the south, to the low water mark of the river Wear on the north. To hold from the making for 40 years, at the yearly rent of one shilling, payable as therein is mentioned." Walter Ettrick, Esq., built on part of this leasehold, a key or wharf, contiguous to the river and to the west end of the close, and purchased of Phillis Nicholson, Stephen Harland and others several small parcels of waste ground contiguous to the west end of the said close; the whole of which, for a valuable consideration, in September, 1692, he conveyed to his son, Mr. Anthony Ettrick, the latter premises being described as "several pieces of waste ground, bounded on the east from the High Street to the river with the Dean and Chapter's close, on the west from the High Street to the river with a house of Stephen Harland in the possession of Thomas Smith, and a close of Robert Portus, and a house of Adam Nicholson." On the 8th and

9th March, 13 Anne, 1714, by lease and release, for the sum of £112 17s. 6d., Mr. William Ettrick sold to Mr. Michael Hardcastle, a portion of the last named premises, comprising "All that new erected messuage, burgage, or tenement, with the appurtenances, in the High Street at Sunderland, with the yard or backside thereunto belonging, and lying contiguous to the north side thereof, bounding on the east with the west wall of a close called the Dean and Chapter's close, on the west with a messuage in the possession of Thomas Smith and land between the messuage and Smith's messuage, on the north with the wall of a brewhouse in the possession of Mrs. Lawson, and on the south with the High Street of Sunderland. With liberty for the plaintiff to erect any superstructure and building against or upon the west wall of the said Dean and Chapter's close, but not to make any light or window on or in the east side of the superstructure. And also right liberty and privilege to the plaintiff, his heirs and assigns, and all persons and their families inhabiting there to have way-leave and passage at pleasure to and from the plaintiff's messuage, in by through and along the lane between the west end of the plaintiff's messuage and the east end of Smith's messuage, and leading from the High Street to the Low Street. Together with all ways hereditaments and appurtenances, and the reversions, remainders, rents and profits thereof. To hold to him and his heirs, with covenants, that he was seized in fee, and had good right to convey." This conveyance gave rise to a suit about the year 1726, in which Michael Hardcastle was plaintiff, and William Ettrick and the Dean and Chapter of Durham were defendants; into which we enter no further than to present to our readers

such parts of the depositions in the case as tend to define the bounds, and establish the extent and size of the Dean and Chapter's property :—

Mr. Anthony Ettrick deposes—"that from his youth he hath known the ground whereon the plaintiff's house is built, which then lay waste, and was reputed to be freehold and to belong to his father deceased. That about 1695, an house was built on the ground, which the plaintiff after his purchase pulled down and rebuilt the same. That he knows the Dean and Chapter's house [close] in Sunderland, which hath always been computed to be 50 yards in length, and hath heard his father speak often of a survey made by Dean Comber [Thomas Comber, D. D., Dean of Durham, 1691-1699] of the said close after the Revolution, about 1690 or 91, and that the said close was inclosed with walls on the east west and south parts by his said father, but he residing then at London cannot say it of his own knowledge. That about 10 years ago, the plaintiff's house being built some years before, some of the freemen of Sunderland having given some disturbance to the Dean and Chapter, by insinuating that the close called the Dean and Chapter's was not theirs, the registrar gave notice by letter that some members would come and view the same, and the said close was viewed by Sir Geo. Wheeler [rector of Houghton, 1709-1723,] and Dr. Bowes [rector of Bishopwearmouth, 1715-1721] and most of the freemen, and their pretensions debated, and the said Drs. declared that what they were possessed of they took to be their right, and were satisfied with what they had, and should endeavour to preserve and defend it. That his father were possessed of several parcels of waste ground, contiguous to the

west end of the said close, some parts (ut credit) was purchased of one Stephen Harland and of Adam Nicholson and others, about 1666 and 1670, which was many years before any lease made by the Dean and Chapter to his father in the year 1680, and he hath seen conveyances to that effect, and that his father enjoyed several parcels for many years after until he sold the same about 30 years since."

Richard Hornsby—"knows the ground on which the plaintiff's house is built, that within 12 months bypast, by order of the said Dean and Chapter, he measured the length of plaintiff's house where it fronted the street, which is 12 yards 1 foot 3 inches, or thereabouts, extending from Smith's house on the west to the utmost part of the said house on the east in the front thereof. That the plaintiff's house is bounded on said Smith's house on the west, on some buildings reputed to be Dean and Chapter on the east, on the curtain or back part of the custom house on the north, and the king's High Street on the south. That at the same time he measured the same extending from the plaintiff's house to a wall adjoining to the Coney Warren on the east, and the same is 48 yards and 2 feet in length in the fore part: that he measured the waste ground on the north, from the Coney Warren on the east to the west part of the curtain of the custom house on the west, lying on the north side of the plaintiff's house, which is in length 59 yards 2 feet or thereabouts."

Thomas Hunter—"knows the Coney Warren and the ground called the Dean and Chapter's close, and that the same adjoins on Thomas Smith's house on the west, and extends 50 yards or thereabouts to the Coney Warren on the east."

Robert Stewison :—" that about ten days ago he measured the length of plaintiff's house : that from the eastmost part thereof, to the eastmost part of Thomas Smith's, is 12½ yards in his judgment. That from the east of plaintiff's house, to the wall adjoining to the Coney Warren on the east, is about 50 yards and 20 inches in length."

Mr. William Ettrick deposes (*inter alia*) " that Dr. Comber, the defendant's father, and this defendant, being all present, the Dr. caused to be taken an exact measure of the close, being 50 yards east and west, from the east end next the Coney Warren, to the dunghill which had the plaintiff's house on it, and the Dr. declared the same to be the Dean and Chapter's close, and since surveyed by a skilful person, who agrees the same measures as in the Dean and Chapter's lease thereof, and by that survey it contains 52 yards in length east and west on the north side. That the parcel of ground with the messuage thereon sold by this defendant to the plaintiff, being a small part of the premises sold to this defendant's brother, and used as a dunghill, and accounted of little use or value, and looked on as a boundary for the close." The dunghill was "used as a common dunghill, which this defendant's father claimed of right and caused to be led or carried away to his lands : and to one widow Barret that kept swine to set up an hogsty on the ground or dunghill, where the plaintiff's house now standeth, for which she paid rent to this defendant's father, as he hath heard and believes." As we have just observed, Mr. Ettrick sold these premises as his freehold, denying in toto the Dean and Chapter's right and claim, to all of which that body replied :

1st Answer of the Dean and Chapter of Durham:--
“Believe that Dean Comber and the Chapter by indenture under their common seal, dated 21st July, 1694, did demise and grant to Walter Ettrick, Esq., deceased, the defendant William Ettrick’s father, all that close or waste ground, &c. [see p. 316]. Believe the Dean and Chapter were then seised to them and their successors of the ground and premises in the lease, and that the rent hath been answered and paid. Believe that the plaintiff made such purchase of the defendant Ettrick as in the bill, and that the plaintiff since his purchase hath erected buildings thereon, but whether he hath expended so much money as in the bill [above £600] they know not. Believe that in several ancient leases made by their predecessors, the same premises are mentioned to contain 50 yards in length. And it appears by former leases and other ancient descriptions, that the ground so demised and claimed by them as their freehold, did abut on the lands reputed Sir John Hedworth’s, and which is in the last lease mentioned to be since built on and in the possession of Thomas Smith towards the west, so that they are advised and apprehended that the boundaries of their lands and tenements towards the west, must be the lands and tenements formerly Sir John Hedworth’s, and afterwards built on and in the possession of Thomas Smith. And in case the plaintiff’s house and buildings are built on any part of the lands demised by them to Walter Ettrick, or any other lease made by them or their predecessors, they are advised the same is on their freehold, and if it so shall appear, they hope their right shall be preserved to them. In all which they submit to the judgment of the Court.”

2nd Ans. :—"Believe the tenements conveyed by the other defendant [William Ettrick] to the plaintiff are part of the premises conveyed to Walter Ettrick. Admit that they have claimed and do claim the same as such. Believe the rent of 1s. reserved hath been paid or ought to be, as well for the plaintiff's as the other lands in the lease. In regard the plaintiff by his bill sets forth the house and tenement by him purchased, to boulder on the west on a tenement in the possession of Thomas Smith, which they are informed was built on the freehold lands belonging or reputed to belong to Sir John Hedworth, and they are well satisfied that their lands abut on Smith's house on or towards the west, they therefore claim the tenement conveyed by the other defendant [William Ettrick] to the plaintiff as their freehold, subject to the leases thereof made by them or their predecessors to the other defendant or his father under the rent of one shilling."*

The result of the suit, which was a protracted one, is not stated.

The original custom house (or at least the earliest known building used for such a purpose by the crown) of the port of Sunderland, from which the adjoining quay derives its name, is situate between No. 70 and No. 71 in the Low Street, about 50 yards to the east of the present establishment, and is now occupied as a public house, and by other tenants of Messrs. Robert Fenwick and Co., common brewers. The area or "curtain" in front, which is approached by a flight of stone steps from the Low Street, is known as the Old Custom House Yard.

* Gowland's MSS.

Upon the west end of the Custom House Quay, or on ground immediately adjoining thereto, then the leasehold property of Mr. Edward Lee, one of the common councilmen of Sunderland under Bishop Morton's charter, a ballast wharf was established, which, in 1647 was in the ownership and occupation of Mr. John Nicholson: it was subsequently in the possession of his descendant Mr. Adam Nicholson abovenamed, who used it for general purposes—one portion being used as a timber yard, another as a blacksmith's shop, &c., &c.* Mr. Adam Nicholson was one of the freemen of Sunderland, and died about the year 1701: who succeeded† to the ballast wharf we know not, but it long ago fell into desuetude, and its site built upon.

"Thomas Huntley's‡ Key" is now known as "Holmes' Wharf," having been, previous to the year 1827, called "Neddy Wright's Quay;" about which time Mr. John Gilbert Holmes, wharfinger, bought it, and considerably extended its eastern and western boundaries over and above the length named in the return by the purchase of adjoining properties. At the same time he called it

• Gowland's MSS.

† At a Bylaw of the freemen, held October 2, 1703, Ralph Nicholson, of Sunderland, was elected a freeman in the place of Ralph Adamson, deceased; and at another Bylaw, held June 19, 1708, Thomas Hodgkin was elected a freeman in the place of Ralph Nicholson, deceased.—*Freemen's Election Book*.

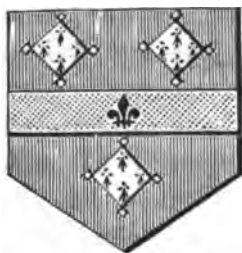
‡ In 1685, Thomas Huntley, of Sunderland, was one of the freeholders in East Burdon.—*Surtees*. At a Court Baron held in 1682, "Thomas Lambton, for being drunke, assaulting Mr. Thomas Huntley in his own house [was fined] 13s. 4d."—*Garbutt's History of Sunderland*, Appendix, p. 41. At a Bylaw of the freemen, held August 27, 1700, William Hincks was elected a freeman in the place of Thomas Huntley, deceased: on the same day, John Huntley was elected a stalling in the place of William Hincks, then newly elected a freeman.—*Freemen's Election Book*. See also p. 266 of this work.

“Holmes’ Wharf.” It is the oldest established wharf in Sunderland for general merchandise, as appears by the return in 1676 ; the others being of comparatively modern origin.

Richard Barnes, Bishop of Durham (1577-87), by his letters patent, constituted William Whitehead his vice-admiral and bailiff of Sunderland for life,* rendering annually to the bishop’s auditor, twenty pounds. He died in 1604.

On the 18th October 1590, Bishop Hutton (1589-94)

HUTTON.



granted the borough of Sunderland, the ferry boat or passage across the river Wear, together with the fisheries of Sunderland, to Ralph Bowes, Esq., of Barnes, Bishopwearmouth, and his sequels in right, according to the custom of the Halmote Court, in as ample a manner and form as his grand-

father Sir Ralph Bowes, Knight, occupied the same : rent—four pounds.†

On the 18th January, 1606, King James I.—“On the humble petition of the companie, misterie, brotherhood, and society of Ship Masters, Pilots, and Seamen within the towne and porte of Newcastle-upon-Tyne, in the countie of the said towne of Newcastle-upon-Tyne, extended their jurisdiction to Blyth, Sunderland, Hartlepool, Whitby, and Staithes [commonly Steays in Yorkshire], and granted them the duties called primage, that is to say, twopence of everie tunn of wine, oile, and

* Spearman’s Enquiry, p. 30.

† Spearman’s Enquiry, p. 25.

other goodes, wares, merchandizes, and comodities, rated and accompted by the tunne, (fish killed and brought in by Englishmen onelie excepted), and threepence for everie laste of flaxe, hemp, pitch, tarr, or any other goodes, or raffe wares merchandizes and comodities whatsoever rated and accompted by the last."*

We are not going to question the king's right (however questionable that it might be) to grant these dues at Whitby and Staithes, to the Trinity House of Newcastle-upon-Tyne; but he clearly had no right to make such a grant at Sunderland, Hartlepool, and Blyth, within the palatinate of Durham, where his kingly authority was a dead letter, except by his act of usurpation whereby he gave away that which was not his own to give.

In the same year, Tobias Matthew, Bishop of Durham (1595-1606), leased the anchorage

MATTHEW.



and beaconage of Sunderland to Evans Williams.† William James, successor of Tobias Matthew in the see of Durham, in pursuance and execution of his royal power and jurisdiction, by the following letters patent appointed Mr. John Rand his water bailiff of the port of Sunderland :—

* Brand's History of Newcastle, Vol. II, pp. 325, 696. The net income from these dues levied within the port of Sunderland, in 1851 and 1852, did not pay for the cost of collection, as the title was then disputed at law : it has since been established upon very doubtful evidence. The gross amount in 1849 was £502 18s. 1½d.; in 1850, £279 2s. 9d.; in 1852, £9 10s. 6½d.

† Spearman's Enquiry, p. 25.

"William, by God's Providence, Bishop of Durham, to all to whom these our letters shall come greeting. Know ye

JAMES.



that I for divers reasons and considerations me hereunto moving, of my certain knowledge and mere motion, having full confidence and trust in the faithful and circumspect care and providence of my well-beloved in Christ, John Rand, of Bishop Wearmouth, in the county palatine of Durham, yeoman, have made, ordained,

constituted, and appointed, and by these presents do make, ordain, constitute, and appoint the said John Rand, my Water Bailiff of the Port, Haven, and River of Sunderland-by-the-Sea, in the Bishoprick of Durham. Giving and granting by these presents to the said John Rand the office of the Water Bailiff aforesaid. To have and to hold the said office of Water Bailiff to the said John Rand, and his lawful and sufficient deputy, whom I shall allow of from time to time during my pleasure only. And for the execution of the said office, I the said Bishop for me and my successors, and as in me is, have granted and by these presents do grant, to the said John Rand, the ancient fee of twenty-six shillings and eightpence yearly, to be had and received at the hands of my Receiver General in the Exchequer at Durham, at the Feast of Pentecost, and Saint Martin the Bishop in winter, yearly, by even portions, and all other fees and duties to the said office belonging, in as large and ample manner as any Water Bailiff using the office of a Water Bailiff in any port or river in the north parts of this realm the

same lawfully hath, taketh, or receiveth. And further do I by these presents give and grant to the said John Rand, full power and authority during my pleasure as aforesaid, for me and in my name to do and execute all and every thing and things which to the said office of the Water Bailiff in the said port and river there doth appertain. And to collect, gather, take, demand, and receive for me and to my use all such free customs or usages, fines, and tolls for casting of ballast, anchorage, beaconage, riverage, and other customs and usages, as to me in the said port is ordinarily due, and as in other ports for the like, and conveyance away of the ballast and preservation of the said river is, ought, or may be due and appertaining. And also to take to my use all royal fishes,* wreck of the sea,† customs, usages, and

* *Royal fish* are whale and sturgeon, which belong to the king and queen in certain proportions, when either thrown ashore or caught near the coast. Of sturgeon, the king is entitled to the whole himself; but of the whale, he can only claim the *head*, and the queen the *tail*. The reason of this whimsical division, as assigned by the ancient records, is to furnish the queen's wardrobe with whalebone. But, as Mr. Christian remarked, the reason is more whimsical than the division, for the whalebone is entirely in the head.—*Cabinet Lawyer*.

† October 5th, 1614. By an inquisition then taken before Sir George Selby, Knight, Sheriff of Durham, by virtue of his office, it is found that a ship or vessel called a hoy, bound from Whitby to Sunderland, was by tempest overset, and that the master and one of the sailors were drowned, and that two other of the seamen escaped to land, in the boat, and the vessel became abandoned; and being so, was cast upon Ryhope sands, within the Royal liberty of the Bishop of Durham, as a wreck. And that John Rand, water bailiff, had seized the said vessel and materials to the use of the bishop, by reason of his prerogative, and that the owners had supplicated the bishop to restore the same.—*Hutchinson's History of Durham*, vol. II, p. 531.

Same date as above. By an inquisition then taken, we find an instance of the bishop claiming wreck of the sea cast on shore on Fulwell sands, within the dean and chapter's liberty, seized by Rand, the bishop's water bailiff, to the use of the bishop and dean and chapter, in moieties according to ancient agreement.—*Hutchinson's Durham*, vol. II, p. 507.

forfeitures which to me shall or may happen to become due hereafter within the said port or river or limits thereof, upon any occasion or accident whatsoever. Provided that the said John Rand, his executors and administrators, and every of them, of all the said fishes royal, wrecks of the sea, sums of money, fines, usages, customs, forfeitures, which he shall receive in the said office due to me and my successors before my Auditor in the said Exchequer at Durham, at the said Feasts of Martinmas and Whit-Sunday yearly, shall give and make a perfect, true, and faithful account, and the money so to me due shall from time to time at the said feasts into my receipt in the said Exchequer shall pay, strictly charging and commanding all and every my officers,

October 14th, 1774. 14th of George the Third. Indenture of Lease between the Right Reverend Father in God, John [Egerton], by the grace of God, Lord Bishop of Durham, of the one part, and Matthew Carr, of Ryhope, in the County of Durham, Esquire, of the other part. The said Reverend Father, for the considerations therein mentioned, did demise, grant and to farm let, the said Matthew Carr, his executors, administrators, and assigns, all that his shipwreck and wreck of the sea, happening upon the rocks, sands, or shores, betwixt Sunderland pier and Ryhope Dene, or within the several parishes, townships, and territories of Bishopwearmouth and Sunderland, in the said County of Durham, or either of them, with free way leave and passage, liberty, egress and regress, at all times, to gather up and remove the same with all manner of carriages and horses or otherwise, for the term of 21 years, at the yearly rent of five shillings. *From the Bishop of Durham's Auditor's Office, Exchequer, Durham.*

Several renewals of the above lease were made by the Bishops of Durham to Matthew Carr, Esq., and John Carr, Esq., of Ryhope, his son. After the death of the last named gentleman, the lease was sold, about 1830, by his executors, for the sum of £10, to Mr Brian Garthwaite, of Ryhope, Innkeeper, who suffered it to expire; when it reverted to the bishop, and is now held by the Ecclesiastical Commissioners, who possess the royal right of "wreckage," by themselves or leasees, upon the sea coast, within the limits of the ancient palatinate of Durham.

In the year 1856, James O'Dowd, Esq., Barrister at Law, held courts at Berwick upon Tweed and other places, at the instance of the Board of Trade, to enquire into the rights of parties claiming "wreckage." Mr. O'Dowd rejected all claims, except such as were derived by direct grants from the Crown, and treated the claims of lords of manors (only) as worthless.

ministers, and tenants, and requiring all others to whom it may appertain, to be aiding and assisting to the said John Rand, in the due and lawful execution of the said office as doth or shall appertain. In ~~the~~ witness whereof, I have made these my Letters Patent during my will and pleasure only to endure. Given at my manor of Bishop-Auckland, the sixth day of July, in the years of the reign of our Sovereign Lord James, by the grace of God King of England, France, and Ireland, Defender of the Faith, &c., of England, France, and Ireland, the seventh; and of Scotland, the two and fortieth; and of my consecration, the third. Anno Domini 1609." *

On the 26th September, 1609, a presentment was made in the borough court (of Admiralty) of Sunderland, concerning royal wrecks and anchorage there.†

In 1615, there was a general muster of all the men fit to bear arms within the bishopric between the ages of 16 and 60, upon Spenny-moor, near Whitworth. The whole number of men who appeared at this array was 8,320. The parish of Bishopwearmouth (then including Sunderland) furnished 196, and Monkwearmouth 87.‡

Richard Neile, Bishop of Durham, by letters patent, dated at Durham Castle, 11th October, 1622, (the twentieth year of the reign of King James I.), renewed to John Rand, of Sunderland-by-the-Sea, yeoman, the patent of Water Bailiff,§ granted by his predecessor Bishop James, which had expired with that prelate in 1617, from want

* From the Bishop of Durham's Auditor's Office, Exchequer, Durham.

† Hutchinson's Durham, vol. II, p. 518.

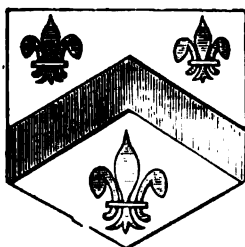
‡ Surtees.

§ From the Bishop of Durham's Auditor's Office, Exchequer, Durham.

of its being confirmed by the Dean and Chapter of Durham, necessary to give Mr. Rand a life interest to his office. In 1626, Richard Bartlett was water bailiff of Sunderland under the bishop, but his patent is supposed to be lost.

In 1628, Nicholas Whitfield (probably mayor of Durham in 1621 and 1630) was water-bailiff of Sunderland, and he deputed William Caldwell therein; and then that office was granted, with the duties of anchorage, beaconage, &c., by lease from the Bishops of Durham successively ever since, and are still held and enjoyed by lease renewed.*

BELASYSE.



On the 2nd January, 1630, the fifth year of the reign of King Charles I., Bishop John Howson granted a lease to Sir William Belasyse, knight, of Morden, in the county of Durham, (afterwards of Morton House, near Houghton-le-Spring, and Mayor of Sunderland), and Thomas Layton,

of Bishop Auckland, in the same county, gentleman, of "All that his waste and vacant grounds, soil, and land, lying and being betwixt the high and low water marks of the rivers of Tyne and Teese, and of all other navigable rivers that ebb and flow within the county palatine of Durham, and in Bedlingtonshire, belonging to the bishoprick of Durham aforesaid, and all houses, buildings, fish-garths, staiths, and ballast shores, erected and builded upon any of the said waste and vacant ground adjoining upon any of the said rivers navigable, over which the water doth ebb and flow, or hath ebbed and flowed, be-

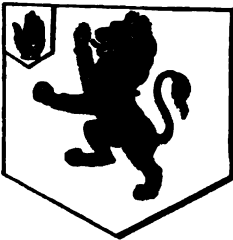
* Spearman's Enquiry, p. 31.

twixt the high water-mark and the low water-mark of the said rivers, or any of them which are gained and straitened by any such building or erection, and all the soil and ground so covered by the ebbing and flowing of the said rivers, with all and singular liberties, privileges, conveniences, commodities, and advantages thereunto belonging, and of right appertaining.

To hold the same premises unto the said Sir William Belasyse and Thomas Layton, their executors, administrators, and assigns, for the term of twenty-one years, at and under the yearly rent of forty shillings."

On the 5th November, 1670, the twenty-second year

STAPYLTON.



of the reign of King Charles II., Bishop Cosin granted a lease of the same premises (leased by Bishop John Howson to Sir William Belasyse and Mr. Thomas Layton) "to Sir Gilbert Gerrard, of the parish of Saint Martin-in-the-Fields, in the county of Middlesex, knight and barronett [his son-in-

law], and Miles Stapylton, of the city of Durham, Esquire, for the term of three lives, at the yearly rent of forty shillings."*

The ownership of the wastes or beaches of the river Wear is now (1858) as follows:—In the township of Monkwearmouth Shore, Sir Hedworth Williamson, Bart., is proprietor of the beaches down to the ancient low-water mark, previous to the diversion of the channel at the mouth of the river, described at pp. 44, 45, 60-70.

In the townships of Monkwearmouth, Southwick, Hylton, and other townships on the north bank of the river, up

* From the Bishop of Durham's Auditor's Office, Exchequer, Durham.

to Chester New Bridge, near Lumley and Lambton Parks—the western limit of spring tides, the beaches or foreshores from low-water mark to the utmost extent that the tide was ever known to extend itself and flow towards the north—are the property of the Ecclesiastical Commissioners, as successors of the Bishops of Durham, in right of the royal liberties of the county palatine of Durham. In the parish of Sunderland the beaches are freehold (enfranchised leasehold), copyhold, and leasehold. In the townships of Bishopwearmouth Panns, Bishopwearmouth, and Ford, the foreshores of the river, between the low-water mark and the ancient high-water mark of the tide, are copyhold of the Ecclesiastical Commissioners' manor of Houghton. In the townships west of Ford, up to Chester New Bridge, all the beaches within the flow of the tide belong to the Ecclesiastical Commissioners, who are likewise the owners of the soil of the bed of the river, between its low-water marks from Sunderland bar on the east to Chester New Bridge on the west. The Earl of Durham, as lessee of the ancient port of Sunderland, under the Ecclesiastical Commissioners, is entitled to the royal rights of anchorage, beaconage, and plankage upon the bed of the river, and upon all its beaches, wastes, or foreshores, between the high and low-water marks, entirely independent of persons who may possess other rights thereon. In consequence of these royal privileges extending over and covering the whole of the river within the flow of the tide, or wherever the tide has ebbed and flowed, no enclosures, encroachments, or quaying, of its wastes, beaches or foreshores can be legally made without the consent of the Ecclesiastical Commissioners and their lessee the Earl of Durham.

It has been observed at p. 307, the appointment of Commissioners of the river Wear was formerly vested in the bishops of Durham. In pursuance and execution of this royal power, the following order for the assembling of a jury was issued in 1633 :—

“**Dunelm.**—By vertue of his Majestie’s commission of sewers, to us and others directed for sewers, the surveyinge of the river of Weere, from the barr or lowe water marke of the same river, in the Port or Haven of Sunderland-by-the-Sea, unto the new bridge, neer Lumley Parke, in the countie of Durham, and the reforming of newsances in the same. These are therefore, according to the tenor of the said commission, in his Majestie’s name, to will and require you to summon and warne xxiiii able and sufficient men within your balywicke, as well within the liberties as without, by whom the truth may be best knowne ; to be, and personally appear before us, and our associats, at Sunderland-by-the-Sea aforesayd, at the house of William Wycliffe, Gent. upon Thursday, the xxii day of August instant, betwixt the howers of eight and eleaven of the said day, then to enquire of all such offences as are severally and respectively down and committed upon the said river of Weere, to the hurt and annoyance of the said river, which are inquirable by the sayd commission, whereof fayle ye not, as you will answer the contrary. Gyven under our hands and seales, this xiiii day of August, 1633.

THOMAS DURESME.*
THOMAS BURWELL.†

* Thomas Morton Bishop of Durham, 1632—1659.

† Chancellor of the County Palatine of Durham.

HUGH WRIGHT, Maior.*
 JOHN RICHARDSON.†
 ROBERT PLEASANCE.
 HUGH WALTON.‡
 RICHARD WHITFIELD.§

*To the right Worp^{ll}. the Sheriffe of the Countie Pallatyns
 of Durham, and to his under Sheriffe.”*||

On the 16th November, 1633, Bishop Morton granted the office of water-bailiff, with the anchorage, beaconage, &c., to Sir William Belasyse, Knight, and others, in trust for the use of the city of Durham.¶

Bishop Morton, desirous of encouraging the trade of the borough, in the year 1634, granted the following charter of incorporation to the burgesses and inhabitants, by the title of mayor, twelve aldermen and commonalty of the borough of Sunderland.

* Hugh Wright was mayor of Durham in 1602, 1615, 1623, and 1632; he was appointed one of the aldermen of Sunderland under Bishop Morton's charter.

† John Richardson was appointed recorder of Sunderland in 1634.

‡ Hugh Walton was mayor of Durham in 1633, 1634, 1639, and 1640; appointed an alderman of Sunderland by Bishop Morton.

§ Richard Whitfield was mayor of Durham in 1628.

|| Burnett's History of Sunderland, p. 23.

¶ Spearman's Enquiry, p. 31.



CHAPTER VII.

BISHOP MORTON'S CHARTER.

Thomas, by the Grace of God, Bishop of Durham, to all to whom these presents shall come, greeting. Whereas our borough of Sunderland-near-the-Sea, in the county palatine of Durham, is, and time out of mind hath been, an ancient borough, known by the name of the New Borough of Weremouth, containing in itself a certain port where, from which, in which, and through which, very many ships and other vessels used by mariners, as well within the kingdom of England, as from foreign parts come and ply, introducing and importing merchandize, goods, and other saleable articles, and exporting from the said port sea-coals, grindstones, rubstones, and whetstones, and other merchandize, during the time aforesaid, both for the good of the state, and to the great profit and advantage of the kingdom of England, by the payment of duties for the loading and unloading, bringing and carrying the coals, stones, and merchandize aforesaid, which are now greatly increased by the multitude of seamen that resort to the said borough for the reasons aforesaid.

And whereas the said borough of Sunderland, the burgesses, freemen, and inhabitants of the said borough, during the time aforesaid, have had, held, and enjoyed

various ancient liberties and free customs, as well by prescription as by virtue of sundry charters, as well by grants and confirmation of the most famous kings of England, as by sundry grants of our predecessors, Bishops of Durham.

And whereas the burgesses, freemen, and inhabitants of the said borough, have in times past sustained and suffered no small damage, by reason of the defects of some charters and letters patent granted by our predecessors, containing many privileges, rights, and liberties, for the good order and government of the said borough, the burgesses, freemen, and inhabitants of the borough aforesaid; and fearing that they should in time to come, for want of publication, explicitness, or proof, be molested, aggrieved, hindered, disturbed, and unhappily oppressed in their aforesaid ancient liberties, privileges, and free customs, they have most humbly besought us, that we would deign to confirm and enforce the liberties and free customs aforesaid; and also to grant further liberties, in words hereinafter to be expressed, to the same burgesses, freemen, and inhabitants of the borough aforesaid, and their successors, in form following: and to incorporate the same burgesses, freemen, and inhabitants, and to make, constitute, and create them persons able and capable in law in perpetual succession. We, therefore, for the improvement and enlargement of the said borough, for the better order and government of the same. and for the better sustaining and supporting of the great burdens and expenses thereunto appertaining, which they sustain, and are in danger of sustaining, and which they think very probable they will have constantly to sustain and support for the time to come, for the maintenance of the said borough, and the enlargement and defence of the

said port from time to time, being favourably inclined to their petition in this behalf, do, of our special grace, certain knowledge, and mere motive, ordain, constitute, and grant, for us and our successors, as far as in us lieth, that the said burgesses, freemen, and inhabitants of the borough of Sunderland aforesaid, may be, and shall be, one body corporate and politic, of mayor, twelve aldermen, and commonalty of the said borough, to endure for ever. And that the said burgesses, freemen, and inhabitants of the borough aforesaid may be, and shall be for ever one body politic and corporate, in deed, fact, and name, by the name of mayor, aldermen, and commonalty of the borough of Sunderland; and we do by these presents, for us and our successors, as much as in us lieth, really and fully erect, make, ordain, constitute, and create them one body politic and corporate, by the name of **Mayor, Aldermen, and Commonalty of the Borough of Sunderland**: and we do decree and declare, that they and their successors be for ever incorporated, united, and established one body; and that they be named, called, and for ever entitled the mayor, aldermen, and commonalty of the borough of Sunderland; and by that name have perpetual succession, and may be, and shall be, in all future times, persons able and capable in law for the purposes aforesaid; and that by the same name they may plead and be impleaded; and under the aforesaid name may prosecute, defend, or answer, in and for all and all manner of causes, complaints, actions, and suits, real, personal, and mixed, of what nature or kind soever, before whatsoever judges, as well spiritual as temporal, in all our courts and those of our successors, within the county palatine of Durham and Sadberge, and as much as in us lieth in all other courts

and places whatsoever. And that the aforesaid mayor, aldermen, and commonalty of the borough aforesaid, and their successors, may also be able and capable in law to purchase and receive lands, tenements, annuities, rents, services, possessions, and hereditaments, of whatever kind, and also goods and chattels of whatever sort, as well spiritual as temporal, of any person or persons whomsoever who shall be willing to give, grant, leave, sell, or assign unto them so that the said lands, tenements, hereditaments, and premises, to be by them purchased and received, do not exceed the annual value of one hundred marks, and so that they be not held of our most sovereign Lord King Charles in capite, nor by military service, nor of us, nor of any of our successors, in capite, nor by military service ; but to be held by them and their successors, according to the states and forms of the same sorts of gifts, grants, bequests, sales, and purchases, without our molestation or disturbance, or that of our successors, or of any of our officers or ministers whomsoever. And we also will, that the said mayor, aldermen, and commonalty of the borough aforesaid, may have, and do for ever have, a common seal, to seal all and singular writings, charters, and instruments any way touching or concerning them, the mayor, aldermen, or commonalty of the borough aforesaid, and their successors, or their lands, tenements, hereditaments, goods, chattels, or public affairs. And by these presents, for us and our successors, as far as in us lieth, we grant to the same mayor, aldermen, and commonalty of the borough aforesaid, and their successors, that they and their successors may for ever have and hold, within the borough of Sunderland aforesaid, one court, to be holden every day, from three weeks to three weeks, before their Re-

order, to be by them ordained and appointed for that purpose ; and that they have the power and authority of hearing and determining in the said court of the recorder aforesaid, all and all sorts of actions, suits, quarrels, agreements, demands, real and personal, as well of debts amounting to, and not exceeding forty pounds, as of trespasses, detentions, conventions, deceptions, actions upon the case, and all other contracts, matters, causes, and demands whatsoever ; and of entering and affirming in the court aforesaid, to the sum of forty pounds, and not upwards, concerning all other pleas, personal, real, and mixed, within the borough of Sunderland aforesaid, and the limits, bounds, and precincts of the same, in whatever manner rising or proceeding ; and to serve process against the parties, defendants in the same complaints, suits, pleas, and demands, by summonses and distresses, if the parties shall have goods and chattels sufficient ; and if the parties defending shall not be sufficient in their goods and chattels, that they then be made to appear by attachment of their bodies in the said court, to answer the pleas, suits, and complaints entered and affirmed against them, according to due form of law and the usage of the court aforesaid. And that the serjeants hereafter appointed, and each of them, shall do and execute all and singular summonses, distresses, attachments, and other precepts, to be issued by the recorder of the court, or his deputy, against the goods and chattels of every one of them within the said borough, according to the exigences of every warrant, precept, or process, directed or to be directed to the said serjeants, by the recorder aforesaid, or his deputy.

And that the aforesaid mayor, aldermen, and commonalty of the borough aforesaid, for the time being, by their serjeants, or one of them, in all and singular suits, pleas, complaints, actions and demands, moved or to be moved before the recorder or his deputy in the said court, may and have power to attach in their lands, tenements, possessions, revenues, and personal effects, within the jurisdiction of the court aforesaid, the persons that are defendants of the same suits, pleas, complaints, actions, and demands; and if these are not sufficient to attach and arrest them in their bodies, and to commit the said persons to prison under safe custody, within the borough aforesaid, and to detain them there so long as the law of the case demands and requires.

And that the same mayor, aldermen, and commonalty of the borough aforesaid, may have cognizance for ever of all pleas, below and amounting to the sum of forty pounds, in the court aforesaid, before the recorder for the time being, within the borough aforesaid, to be heard and determined according to due form of law and as the case demands and requires.

And that the recorder of the same mayor, aldermen, and commonalty for the time being, in the court aforesaid, to be holden before him, may have power and authority by himself, or his sufficient deputy, to punish and correct all and every of the officers and servants of that court, and all other persons whomsoever offending in the said court, for their contempt, neglect, or any other offence whatever committed or to be committed in the said court, by a reasonable fine or imprisonment of the body, or in any other lawful way and manner whatsoever. We further grant by these presents, for ourselves and our

successors, as far as in us lies, to the aforesaid mayor, aldermen, and commonalty of the borough aforesaid for the time being, and to their successors, all and every rents, profits, fines, amercements, and other pains and penalties whatsoever, in whatever manner accruing in the court aforesaid, to their own proper use and disposal for ever.

And for the better execution of the premises, and that our good pleasure in the premises may have the better and stronger effect, we will, and by these our letters patent, do, for us and our successors, as far as in us lies, assign, appoint, and actually nominate our beloved

WILLIAM BELASYSE,* KNIGHT,

to be the first and modern ~~Mayor~~ of the borough aforesaid, to abide and continue in the said office of the mayoralty of the borough aforesaid, until the Monday next after the feast of St. Michael the Archangel, now next ensuing, and from the said Monday, until another alderman of the borough aforesaid be duly elected and appointed; provided the said William shall so long live, and well behave himself in the same, by his corporal oath upon the holy evangelists, before entering upon the said office, that he will rightly, well, and faithfully execute the same, in the form which is hereinafter set forth.

And we further will, after the expiration of the said time, and the retirement of the said William from the said office of the mayoralty aforesaid, that the said William be an alderman of the borough aforesaid, during

* Sir William Belasyse, of Morton House, Knight, high sheriff of Durham from 1625 to 1640, died December 3rd, 1641, aged forty-eight, and was buried at Houghton-le-Spring. He married Margaret, eldest daughter and co-heir of Sir George Selby, of Whitehouse, by whom he had six sons and five daughters.

his natural life. so long as he shall well behave himself in the same, to fill up the entire number of aldermen hereafter nominated, without any new election to be thereafter made in place of the alderman who shall happen to be chosen and appointed mayor of the borough aforesaid for the year next ensuing.

We also assign, nominate, and appoint, by these presents, for us and our successors, our beloved

WILLIAM LAMBTON,* KNIGHT,

FRANCIS JAMES,† ESQUIRE,

THOMAS WHARTON,‡ ESQUIRE,

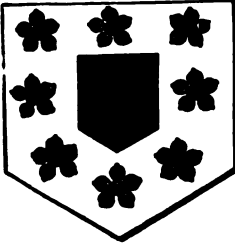
* Sir William Lambton, eldest son of Ralph Lambton, of Lambton, Esq., by Eleanor, daughter of Thomas Tempest, of Stanley, Esq., baptised 16th Nov., 1689; colonel of a regiment of foot, and captain of a troop of horse, in the service of Charles I. : slain at Marston Moor, July 2, 1644. The Right Honourable George Frederick D'Arcy, Earl of Durham, is the sixth in lineal descent from the gallant captain, who was the great-great-great grandson of William Lambton, of Lambton, Esq., the occupier of the coal staith on the northern bank of the river Wear, alluded to at p. 296.

† Francis James, of Hetton-le-Hole, was the youngest son of William James, Bishop of Durham, by his third wife, Isabella, widow of Robert Atkinson, alderman of Newcastle; devisee and executor of Bishop James for lands in Hetton. He was twice married, first to —, and secondly to Elizabeth, daughter of Sir William Belasyse.

‡ Thomas Wharton, born at Winston, in 1614, of Old Park, in the county of Durham, and of London, M. D., died in 1674, aged sixty, and was buried in the church of St. Michael, Bassishaw. He married Jane, daughter of William Ashbridge, of London. From this marriage is descended William Lloyd Wharton, Esq., of Dryburn Lodge, near Durham; Mrs. Gray, wife of the Right Rev. Robert Gray, D. D., Lord Bishop of Capetown, daughter of Robert Wharton Myddleton, Esq., of Old Park, and niece of Richard Wharton, Esq., M. P. for the city of Durham, formerly of Offerton, and afterwards of Old Park; Anthony Ettrick, Esq., of High Barns; Mrs. Webb, wife of Edward Webb, Esq., solicitor, Bath; Mrs. Atcheson, of Bishopwearmouth, &c. Their grandmother, previous to her marriage with William Ettrick, Esq., of High Barns, on the 17th of January, 1752, was Miss Catherine Wharton, daughter of Robert Wharton, Esq., of Old Park.

RICHARD HEDWORTH,* ESQUIRE,

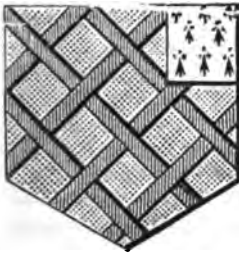
HEDWORTH.



* Richard Hedworth was the eldest son of John Hedworth, of Chester Deanery, Esq., by his first wife Jane, daughter of William Brandling, of Felling, Esq. He died in 1680. His great-grandson, John Hedworth, who died in 1747, represented the county of Durham, in the parliaments of 1713, 1714, 1721, 1727, 1734, and 1741, (see p. 137.) The last named John Hedworth, Esq., commonly called Dean Hedworth, from his residence of the Deanery, near Chester-le-Street, left two daughters, Eleanor and Elizabeth, co-heiresses. Eleanor, married (17 Nov., 1746),

Sir Richard Musgrave, Bart., of Hayton Castle, Cumberland, (who took the name of Hylton in compliance with the will of his uncle, John Hylton, Esq., of Hylton Castle.) He was the last of the Hylton family that possessed the castle and estate. He died, leaving an only daughter, Eleanor, who married William Jolliffe, Esq., M.P. for Petersfield, grandfather of Sir William George Hylton Jolliffe, Bart., of Merstham, Surrey, M.P., for Petersfield, co-heir and representative of the ancient family of Hylton, of Hylton Castle, who still possesses his great-grandmother, Miss Eleanor Hedworth's moiety or interest in her father's manor of Chester Deanery, &c. Sir W. G. H. Jolliffe's eldest son Captain Hylton Jolliffe, of the Coldstream Guards, died on the heights of Sebastopol, on the 4th October, 1854, in the twenty-ninth year of his age, leaving two daughters, Eleanor Agnes and Hilda. Sir William's present heir is Captain Hedworth Hylton Jolliffe, M.P. for Wells. Miss Elizabeth Hedworth married July 4, 1747, Sir Ralph Milbanke, Bart., of Halnaby Hall, Yorkshire, (great-grandson of Sir Mark Milbanke, a candidate for the representation of the county of Durham, in 1697, whose father Mark Milbanke, Esq., was mayor of Newcastle in 1658 and 1672, and married Dorothy, one of the wealthy daughters and co-heiresses of Ralph Cock, alderman of Newcastle, and familiarly called "Cock's canny hinnie,") Colonel of the North York Regiment of Militia (called the Black Cuffs), father of the late Sir Ralph Milbanke, Bart., of Seaham Hall, M.P. for the county of Durham, from 1790 to 1812, who was born at Chester Deanery, soon after the death of Mr. John Hedworth.

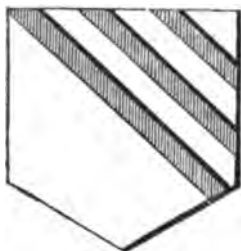
NOEL.



On retiring from the representation of the county in 1812, Sir Ralph—one of the best men that the world ever saw—received a unanimous vote of thanks from his constituents for his faithful services in parliament. He married Judith, eldest daughter of Thomas Viscount Wentworth, on whose death he was permitted, by royal license, 29th May, 1815, to use the surname of Noel only. He died at Hampstead, 19th March, 1825, leaving an only daughter and

HUGH WRIGHT,* ESQUIRE,
WILLIAM LANGLEY, GENTLEMAN,
ROBERT BOWES,† GENTLEMAN,

BYRON.



heiress, Anne-Isabella who inherits the other moiety of the manor of Chester Deanery, born May 17, 1792, and married January 2, 1816. George Gordon, sixth Lord Byron (who, by Royal License, took the name of Noel on the decease of Judith Lady Noel in 1832, in order to entitle him to the life-tenancy of the Noel estates) the eminent poet, who died 19th April, 1824, and by whom she had an only daughter Ada,

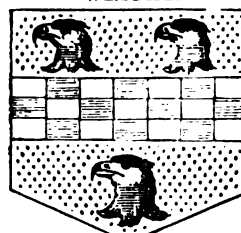
("Ada! sole daughter of my house and heart".)

KING.



who married, July 8, 1835, William Baron King, created Earl of Lovelace in 1838, Viscount Ockham, of Ockham in the county of Surrey, and Baron King also of Ockham, by whom she had 1, Byron-Noel, Viscount Ockham, R. N., born 12th May, 1836; 2, Anne-Isabella-Noel, born 1837; Ralph-Gordon-Noel, born 2nd July, 1839. The Countess of Lovelace died universally lamented, November 27th, 1852.

WRIGHT.



* Hugh Wright, mayor of Durham in 1602, 1616, 1623, and 1632, was the eldest son of William Wright, alderman of Durham. He was twice married: first, to Thomasine, daughter of Anthony Theobald, of Rushal, Esq., in the county of Stafford, by whom he had two sons and four daughters; secondly, to Hilda, daughter of Sir Hugh Cholmley, of Whithy Abbey, Knight, by whom he had two sons and one daughter. He was buried on the 4th June, 1654.

† Robert Bowes, of Biddie Waterville, or South Biddie, was the younger brother of Sir George Bowes, of Bradley, chief and heir general to all the family honours and estates, and grandson of Sir George Bowes, the gallant defender of Barnard Castle during the "Rising of the North," 1669. He was born on the 29th of September, 1697; married, on the 31st of January, 1620, Joan, daughter of Robert Hutton, D.D., rector of Houghton, and prebendary of Durham. He died in July, 1635.—*Surtees.*

GEORGE LILBURNE,* GENTLEMAN,

* The family of Lilburne, a younger branch of a very ancient and honourable house, seated at West Lilburne, in Northumberland, had long resided at Thickley-Punchardon, in the parish of St. Andrew's-Auckland, county of Durham, an estate which descended to Colonel Robert Lilburne, [elder brother to the well-known Colonel John Lilburne,] M. P. for the county of Durham, in 1654. He was a commander of the parliamentary forces, and was appointed governor of Newcastle in 1647. In the following year, he sat on the king's trial, and signed the warrant for his execution. He was afterwards Major General of the North of England, and together with Sir Arthur Haslerigg, ruled the county of Durham, during the interregnum. He represented Malton in 1659. On the restoration, he was tried with the other regicides, October 16, 1660; he offered no defence, but entreated the favour of the king, and his sentence was commuted to perpetual banishment to the Island of St. Nicholas, near Plymouth, where he died in 1665.—*Sharp's List of Knights and Burgesses*, p. 13. The first of the family who settled at Sunderland, was *George Lilburne*, uncle of the above-named John and Robert, appointed one of the aldermen under Bishop Morton's charter: he was probably at first an adventurer in the trade of the place, and was afterwards carried forward, together with the increasing fortunes of his more active republican relatives, to a considerable pitch of local influence. During the whole of the civil wars, he acted as the *only* magistrate within the limits of the borough, and in 1664 was returned one of the knights of the shire in Cromwell's parliament. He sat constantly on all committees of sequestration, and contrived, in virtue of his office, to get possession of a colliery at Harraton, belonging to the lessees of Sir John Hedworth, which cleared him fifteen pounds a day. He survived the restoration, and died in 1677, aged ninety-nine.—*Surtees's History of Durham*, vol. i., p. 258. Is Mr. Surtees not rather too severe upon Alderman George Lilburne in the Harraton colliery case? It seems that the colliery, which was the property of Sir John Hedworth, Knt., who died in February, 1642-3, had been leased, wholly or partially, to Colonel Thomas Wray, of Beamish. The colonel, being a papist and recusant convict, was particularly obnoxious to the parliamentary party, then rising rapidly into power, and consequently the colliery was sequestered in 1644, when it was valued at £3000 a-year, perhaps owing to the Tyne being closed against the "rebellious" city of London. In 1647 it was leased under the state to Josiah Primate, of London, leatherseller, Alderman George Lilburne, of Sunderland, and George Grey, the younger, of Southwick—an active parliamentary officer, "who also made title under a lease of Sir John Hedworth's to Robert Conyers, transferred by Conyers to Josiah Primate, and by him to Grey and Lilburne;" but in 1649, Sir Arthur Haslerigg, then governor of Newcastle, setting both law and justice at defiance, turned out these gentlemen, seized the Hedworth estates, goods, and chattels, and let the lands and colliery to Col. Hacker, Col. Mayers, and Major Tolhurst. Primate petitioned the parliament against the unscrupulous conduct of Sir Arthur Haslerigg, which petition was ordered to be burnt by the common hangman, and Primate fined £7,000. Lieut.-Col. John Lilburne (nephew of our alderman), who was a party to this petition, was also

fined £7,000, and "banished out of England, Ireland, and Scotland, and the islands and territories thereunto belonging, and not to return into any of them, upon pain of being proceeded against as a felon, and in case of such return, shall suffer death immediately." Young Hedworth (son and heir of Sir John,) who was nearly all this time excluded from his estate, vented his feelings in a curious publication entitled "The Oppressed Mans Out cry: or an Epistle writ by John Headworth of Harraton in the county of Durham Esquire, the 11th of September, 1651. Vnto the Honourable Sir Henry Vane the Elder, a member of the Honourable Parliament of the Commonwealth of England; William Vane his Sonne; Lieutenant Colonell Paul Hobson, John Middleton, Esquires, and Members of the Committee of Militia, in the County of Durham, by Authority of Parliament." In this epistle, the "oppressed man," who married Susan, daughter of the elder or Alderman George Grey of Southwick, alludes to Primate, Grey [Hedworth's brother-in-law] and Lilburne as "my tenants," and uniformly speaks of them in the highest respect, and of the worthy alderman in particular, as "my old friend,"—terms which one should think he would not have used if Lilburne had contrived to get possession of Harraton colliery in the manner set forth in Mr. Surtees's "princely folio." On 28th July, 1630, Henry Wycliffe, of Offerton, alienated his lands there (described in the pardon of alienation not as a third part of the manor, but as one capital messuage, two cottages, one dovecote, one garden, 120 acres of arable land, 50 meadow, 140 pasture, and a payment of a pound of cummin) to George Lilburne, gent., whose son George Lilburne, of London, druggist, was still owner of a third part of Offerton in 1686, about which time the other two-thirds were vested in equal portions in the families of Myddleton and Loraine. In 1656, George Lilburne was high sheriff of the county of Durham, and on May 19th, 1659, along with many north country gentlemen well affected to the then reigning powers, was on a "commission of charities" issued by "the keepers of the liberties of England." Alderman Lilburne, notwithstanding his republican principles, was not unmindful of the poor. An inscription on the north wing of Davenport and Lilburne's Almshouses, in the church-yard at Houghton-le-Spring, informs us that "George Lilburne, Esq., built the moiety of this Hospital, at his own charge, and endowed it with Ten Pounds per annum for ever, for the maintenance of three poor people, Anno Dom. 1668." The endowment, according to his will, dated 23rd July, 1674, being charged upon his leasehold property in Sunderland, lying on the south side of the Low Street and the west side of Stob Lane. The recipients of the charity (which is still paid by the Marchioness of Londonderry, out of the above named property) to be three poor widows or widowers chosen by his executors out of the parishes of Bishopwearmouth (then including Sunderland) and Houghton-le-Spring, whose pensions were to be paid them in quarterly payments. By this will, Alderman Lilburne bequeathed his property to his then eldest surviving son, Mr. John Lilburne, of the city of London, grocer, whose son or relative George Lilburne, of Bucklesbury, grocer, is believed to have been the last of the elder branch of the family possessed of property in Sunderland. The original will of Alderman Lilburne, engrossed on parchment, and drawn up in curious phraseology, showing strong orthodox religious feelings, was in the possession of the late Mr. William Richardson, clerk to John Kidson, Esq., solicitor, Sunderland; but since Mr. Richardson's death, in April, 1867, this relic of antiquity

cannot be found. "In 1669, (says Mr. Surtees) John Hilton, of Hilton, Esq., granted his manor of Barmston for £2,750, to George Lilburne, of Sunderland, Esq., and William Carr, of Newcastle, merchant. On the 19th April, 1681, George Ellison, of Newcastle, gent. [son of Benjamin Ellison], Isabel Ellison, widow [of Benjamin Ellison of that place, and daughter of Alderman George Lilburne of Sunderland], and William Lilburne, of Newcastle, Esq., settled the same manor, with lands in Jarrow, on the marriage of George Ellison and Anne Coan, spinster. The estate rested in the family of Lilburne till after the year 1700."—*History of Durham*, vol. ii., p. 49. The manor of Barmston and part of Lilburne's lands in Offerton are now the property of the Marchioness of Londonderry. Jane, daughter, and eventually co-heiress of Benjamin Ellison above named, by his wife Isabel, daughter of Alderman George Lilburne, married, 1st September, 1674, James Clavering, of Green-croft, Esq. (who was buried 26th January, 1721-2), to whom she had several children, one of whom, Jane Clavering, married 12th Oct., 1707, Thomas Liddell, Esq., father of Sir Henry Liddell, Bart., (created lord Ravensworth 29th June, 1747, and great-great grandfather of the Right Hon. Henry Thomas third Baron Ravensworth; the Hon. Thomas Liddell; the Hon. John Liddell; the Hon. Capt. George Liddell; the Hon. and Rev. Robert Liddell; the Hon. Col. George Augustus Frederick Liddell; the Hon. Adolphus Frederick Octavius Liddell, barrister-at-law; the Marchioness of Normanby; the Hon. Lady Williamson; the Viscountess Barrington; the Hon. Mrs. Villiers; the Countess of Hardwicke; the Hon. Mrs. Trotter; and Lady Bloomfield. Thomas Lilburne, eldest son of the above-named Alderman George Lilburne was returned to parliament, along with James Clavering, of Axwell Park, Esq., in 1656. He lived at Offerton, where the family held considerable estates. In his politics he was a kingling, or one who voted that the crown and title should be offered to Cromwell—and in the pamphlets of the day he is called a captain of horse, worth two hundred and seventy-three pounds per annum. In the following parliament, 1658, he represented Newcastle. He bore a commission of major in Monk's army; he died [without issue] on the 25th of March, 1665, and was buried at Houghton-le-Spring. On his monument, he is described as "one of the instrumental persons in his majesty's happy restoration." His estate at Offerton was in the possession of his brother George's descendants in 1737.—*Sharp*, p. 14. William Lilburne, grandson of the elder (or alderman) George Lilburne, by a second marriage, sold some property in Sunderland to the family of Robinson as late as 1717; his descendants were afterwards in a very reduced condition, for one of them was confined about 1742, in Morpeth gaol for debt, and being permitted by his creditors to go to Newcastle on his parole for a day to visit his mother, who was also a prisoner for the same cause, he met by the road one———, an attorney, who reviled him most bitterly, and reproached him with his unfortunate circumstances in so taunting a manner, that Lilburne drew his sword, and running him through the body, left him dead upon the spot: he was tried for the fact, and found guilty of manslaughter only, in consideration of the excessive provocation.—*Surtees's History of Durham*, vol. i. p., 258. The large stone-built house on the east side of Vine-street, 83, High-street, Sunderland, was the property and residence of Mr George Lilburne, M. P., and High Sheriff of the County of Durham. It was the abode of the late Stephen Pemberton, Esq., J.P. & M.B., from 1796 to 1810, and then the

GEORGE GREY,* GENTLEMAN,

GEORGE BURGOIN,† GENTLEMAN.

HUGH WALTON,‡ (Alderman of the city of Durham), and

GEORGE WALTON,§ (Alderman of the city of Durham),

to be the first and modern twelve Aldermen of the borough aforesaid, to continue in their offices from the date of

representative of the elder branch of the Pemberton family, which family there is every reasonable ground to conclude is descended from the ancient family of Pemberton of Stanhope and Aislaby. It is now in the occupation of Messrs. Robert Wight & Son, iron merchants; the Jews for their Synagogue; and several parties holding small tenements. The house itself still retains outwardly its original appearance, suitable for the residence of a knight of the shire, but its large flagged terrace in front, and the steps to its ancient entrance from the High Street, are now deformed with blacksmith's shops, or covered with merchandize, forming a strong contrast to byegone days.

* George Grey, of Southwick, descended from Henry, Lord Grey, of Codnora, purchased Hedworth's lands in Southwick, in the year 1630: he died about 1661. His son, George Grey, was a captain of foot in the army of the parliament. In the fourth descent from the latter George, the heiress of Grey of Southwick, intermarried with Sir Charles Grey, grandfather of the present Earl Grey, of Howick Hall.

† Mr. George Burgoine, of Sunderland, alderman, buried 27th May, 1635,—*Bishopwearmouth Parish Register*. He was, probably, a son or relative of the Rev. Francis Burgoyne, S.T.B., rector of Bishopwearmouth from 1695 to 1632.

‡ Hugh Walton, draper, mayor of Durham, 1633, 1634, 1639, and 1640, was the eldest son of George Walton, alderman of Durham, by Margaret, daughter of William Marley, of Seggerston Heugh. He married first, Barbara, daughter of ——— Harrison, by whom he had a daughter Margaret, and a son William Walton, merchant, of Durham, and afterwards of Barbadoes; his second wife was Jane Cook [buried at St. Giles's on the 13th of January, 1644], by whom he had four sons and five daughters.—*Surtees*.

§ George Walton, of Shacklock Hall, in Weardale, alderman of Durham was a younger brother of the above-named Hugh Walton: he married first, Elizabeth, daughter of Thomas Pearson, mayor of Durham, by whom he had no issue; secondly, Ann, daughter of John Richardson, of Durham, Esq., by whom he had a daughter, Anne, born in 1610, and a son, George Walton, of Stanley, Yorkshire.—*Surtees*.

these presents, during their natural lives; unless in the meantime any of them, for a reasonable cause or causes in manner and form hereinafter to be set forth, should be removed and deposed from that office by the mayor for the time being and six aldermen of the borough aforesaid.

We also assign, nominate, and appoint by these presents,

JOHN RICHARDSON, ESQUIRE,
to be the first and modern Recorder of the borough aforesaid; to abide and continue in the said office of recorder of the borough aforesaid, till the Monday next after the feast of St. Michael the Archangel next ensuing; and from the said Monday, until some other person shall be duly elected to the office of recorder of the aforesaid borough.

We also assign, nominate, and appoint, for us and our successors, our beloved

WILLIAM BELASYSE, KNIGHT,
WILLIAM LAMBTON, KNIGHT,
FRANCIS JAMES,
THOMAS WHARTON,
RICHARD HEDWORTH,
GEORGE GREY,
GEORGE BURGAIN,
HUGH WALTON,
GEORGE WALTON,
WILLIAM WYCLIFFE,*

* William Wycliffe, of Offerton, was the son of John Wycliffe, of the same place, by Elizabeth, daughter of Thomas Whitehead, of Monkwearmouth: he married April 21st, 1604, Isabel, daughter of Percival Gunson, or Gunstone, of Cookermouth, and widow of Robert Ayton, of West Herrington, by whom he had a son, Henry Wycliffe, and four daughters—Mary, Elizabeth, Alice, and Frances—*Surtees*.

EDWARD LEE,*

* Edward Lee was the eldest son of Edward Lee, of Monkwearmouth Hall, by Mary, daughter of Peter Delaval, of Tynemouth, gentleman. He is described as of Clyborne Hall, Westmoreland, in 1664, then aged 50; and of Glanford Bridge, Lincolnshire, in 1670, about which time he sold several parcels of land in Sunderland, since called Lee's Close and Chapel Close, to the family of Robinson, of Middle Herrington.—*Surtees*. St. John's Chapel, Moorgate Street, Chapel Street, part of Barrack Street, &c., &c., and the field adjoining, known as the Pottery-field, occupy these closes. Within our recollection, and until the year 1827, the ground now occupied by Moorgate Street and the Pottery-field, was named the Close. In addition to the property above mentioned, Edward Lee was seized in fee of several wastes, houses, and a ballast quay, at the east end of Sunderland, part of which he granted in fee, and leased a part for 999 years, to Richard Bateman, and another part to Adam Nicholson. Bateman died in 1672, leaving a daughter named Avice, to whom he assigned his leasehold property; who with her husband, William Mason, on 28th June, 1672, mortgaged the same to Ralph Clerk, who on 16th December, 31 Charles II., 1679, assigned his interest therein to Sir John Duck, by whom it was conveyed in August, 1685, to Adam Nicholson. The latter gentleman built a blacksmith's shop adjoining to or on part of the ground he purchased of Sir John Duck, which became the subject of litigation in 1699-1701, in the Court of Chancery, at Durham, in a cause William Mason and his wife v. Adam Nicholson, wherein the ground in question is described as being "anciently a waste or void piece of ground in Sunderland, on which or most of which an house was built by Richard Bateman (which however according to the defendant's proofs was only a dawbed building and fell down after Bateman's death and before Clerk entered on the mortgage) and bounded with part of Palmer's Garth on the south, on the Low Street on the north, on Phillis Nicholson's waste on the west, and on Portas's house on the east." The plaintiffs, in support of their title to the leasehold premises, say—"It appears by a lease, dated 21st March, 1647, made of the mortgaged ground from Lee to Bateman, that it extended east and west 6 yards, and bounded on a cottage then of Antho. Onesuik (and late of Robert Portas) on the east, and extended north and south 11 yards, and on John Nicholson's Ballast Key on the north, and on a parcel of ground of Edward Lee on the south." On the 5th Oct., 1667, Lee made another lease to Bateman and his wife, wherein it was extended as before, and "bounded on a new built house of Robert Portas on the east, on the defendant's parcel of ground on the west, and on Bateman's ground on the south, and the passage to the Low Ferry Boat landing on the north." With respect to their freehold the plaintiffs say—"That Lee being seized in fee as aforesaid, leased (15 Feb. 1638) to the said Bateman, for 21 years, a parcel of waste ground at the east end of Sunderland, in a close or garth on the backside of a tenement then of the said Lee in the tenure and occupation of Henry Palmer, which parcel of ground was 14 yards east and west, and 10 yards from the brink of the Wear." "That Lee within that term (viz. 10 Oct. 1654), granted to Bateman, by feoffment executed with livery, a piece or parcel of ground or bankside at the east end of Sunderland, bounded on a house then of William Hixon, mariner, on the west, on the said Bateman's tenements and

WILLIAM FREEMAN,

a great stone on the east, a front stead or waste ground of Phillis Nicholson on the north, and on the said Lee's and William Hixon's parcels of the said Palmer's garth on the south, as it was then bounded, staked and set out. Which last mentioned waste ground being granted within the term above is supposed to be the same ground that was leased to Bateman." Several witnesses were examined including Nicholas Haddock, Wm. Hardcastle, Robt. Hardcastle, Phineas Fitzrandolph, Matthew Brewster, Richard Arnet, Edward Lisle, and Mary Harrison, some of whom deposed "that there was a passage 3 or 4 feet wide between Bateman's houses and Nicholson's waste, which led to Bateman's freehold, and which Nicholson built over and stopped up: and that the latter gentleman never had any grounds but what his houses stand on now, on the west side of Bateman's passage." To this Nicholson objected, alleging "that Bateman's houses fell long since, and between them and the street was a waste of 4 yards, where the said shop is built, and that was the defendant's and never Bateman's. And that the mortgaged premises contain all the plaintiffs' ground, which begins from the back of the smith's shop and goes southward 11 yards, and from east to west 9 yards, and that in a deed 50 years since from Lee to Watt [probably Mr. Councillor Wm. Watt above-named] under whom the defendant claims, it is granted from east to west 50 yards, and 28 yards from north to south of the key lying northward of the leasehold, which measuring from the key southward 28 yards, takes in the shop in question," To which the plaintiffs answered--1. "That the measure differs from what our witnesses swear. And as to Watt's deed there is an exception of the premises in Bateman's possession. And the measuring is unfair, because the 28 yards ought by the deed to be computed from the low water mark, which when the tide is out is a great way northward of the New Key, and not from the Key. 2. That boundary is of Bateman's freehold, and not of the leasehold." Several witnesses were examined on behalf of the defendant, including Robert Barwick, Edw. Bell, Wm. Dent, Wm. Chambers, and John Reed, who deposed "that the ground he built the smith's shop on was a waste he laid timber on, which was 27 yards and a foot from the edge of the defendant's key to the back wall of the smith's shop. That the ground, at Bateman's death, bounded on Robt. Portas's on the east, Mary Sedgewick's ground on the west, the waste the smith's shop is built on on the north. And that part of the riggingtree in one of the old houses that was Bateman's is on Portas's house side some small distance from the smith's shop." Wm. Bambrough, mason, deposed "that Bateman's ground is 11 yards from north to south (besides the shop), and 9½ yards from east to west besides Sedgewick's ground. That it is 13 years since the shop was built, and the plaintiffs did not disturb him." On behalf of Nicholson it was urged that the shop was built on ground "adjoining to the mortgaged ground, and the way to it is only built over and stopped by a door at one end which door is offered to be removed upon redemption. And further, that before the building of the shop, and also long before the defendant had the mortgage, he the said defendant and his ancestors were owners and possessed of the ground where the shop stands, some say for 55 years and others for 30 years, and used it as a Timber Yard." The result of the suit is not stated.—*Gowland's MSS.*

WILLIAM CALDWELL,*
 JOHN HUSBAND,†
 THOMAS SCARBOROUGH,
 WILLIAM POTTS,
 JOHN HARDCASTLE,
 ROBERT COLLINGWOOD,‡
 THOMAS SNOWDON,
 CHRISTOPHER DICKINSON,
 WILLIAM DOSSEY,
 JOHN HARRISON,
 THOMAS LACIE,

* Deputy water bailiff of Sunderland in 1628—see p. 330.

† During the eventful period of the civil wars, Mr. Husband seems to have embraced the parliamentary side, as appears by the following extracts from the Sequestrators' Books quoted by Mr. Surtees:—

"xxi Aug. 1644. A warrant to John Husband, of Sunderland, Gent., to demise, lett, collect, and gather the gleeb, tythes, rents, and averages within the parish of Egglecliffe [Egglescliffe], late belonging to Dr. Basier, and to seize all the estates, chattels, &c. of the said Dr. Basier, for the use of the Com'onwealth; and wee require George Featherston, Gent., and Marke Hall, to be aiding and assisting therein.—*History of Durham*, iii. 201.

"21 Aug. 1654. Letten to Marke Hall, of Fishgarth, the said house and grounds called Fishgarth, and the tythe of the same, for £5. 10s. payable monthly. A warrant to John Husband, Gent., George Featherston, &c., to sequester the estates of Laurence Sayer, of Yarum, Esq., John Errington of Elton, Esq., John Errington, jun. Esq., Sir Francis Bowes, Knight, and Michael Pemmerton, of Aislaby, Gent., within the parishes of Egglecliffe, Norton, and Elton. *Ibid*.

"6 Febr. 1644. Letten to John Husband, Gent., all the lands in Stillington, late belonging to Captaine Richard Hartburne, deceased, allowing to the widow her proportion."—*Ibid* p. 73.

In 1647, John Husband, George Lilburne, George Grey, Thomas Sanders, and Samuel Leigh were, amongst others, appointed Surveyors by commission from the honourable committee of Trustees for the disposal and sale of the late Bishops' lands within the kingdom of England and dominion of Wales.—*Surtees*, ii. 107

‡ Robert Collingwood, of Hetton-on-the-Hill, was the fourth son of Sir Cuthbert Collingwood, of Dalden and Great Eppleton, Knight, by his wife Dorothy, daughter and co-heiress of Sir George Bowes, of Dalden Knight. He married Bridget, daughter of——Whitgift, nephew of Archbishop Whitgift, by whom he had a son, William Collingwood, of Hetton-on-the-Hill, gent., living in 1663.—*Surtees*.

WILLIAM THOMPSON,*
 ADAM BURDON,†
 GEORGE HUMBLE,
 WILLIAM HUNTLEY,
 THOMAS ATKINSON,
 ROBERT YOUNG,
 CLEMENT Oldcorn,
 HUMPHREY HARRISON,
 WILLIAM WATT, and
 THOMAS PALMER,

* On Aug. 13, 1651, Edward Lee and Mary his wife, by indenture executed with livery, demised, granted, bargained, sold, assigned and set over to Wm. Thompson and Jane his wife, their heirs, executors, administrators, and assigns, one parcel of ground with the appurtenances, containing in length 6 yards, and in breadth 11 yards, situate in Sunderland-near-the-Sea. On 24 Sep. 30 Charles II., 1678, Wm. Thompson and Jane his wife, by indenture of feoffment executed with livery, in consideration of weal, love and affection to Thomas Bell and Jane his wife (the said Jane being their daughter), did give, grant, bargain, sell, alien, enfeof, and confirm to them and their heirs, all that their westernmost moiety or half of their backside, yard, or parcel of ground, adjacent on the south side of their now dwelling house, containing in length north and south 11 yards, and in breadth 6 yards, the half moiety being 3 yards or thereabouts. And also all that chamber above the fore room of their then dwelling house. Wm. Thompson died in 168-, and Jane his wife survived him. Feb. 11, 1688, Jane Thompson (Wm. Thompson's widow), by indenture of feoffment executed with livery, in consideration of the promise made by Wm. in his lifetime, and her the said Jane, upon the marriage of the said Thos. Bell and Jane his wife, and of twenty shillings in hand paid, did give, grant, bargain, sell, alien, enfeof, release and confirm unto the said Thos. Bell and Jane his wife, and their heirs, all that house or tenement with a garth or piece of ground to the south side thereof adjoining, containing in length north and south 11 yards, and in breadth east and west 6 yards. Wm. Thompson left a son John, who on 1 April, 4 Wm. and Mary, 1692, leased the said premises for 5 years to Edward Donkin who brought an action of ejectment against the said Thomas Bell and Jane his wife. The result of the suit is not stated.—*Gowland's MSS.*

† See p. 123. "Eve, daughter of Adam Burdon, of Old Burdon, bapt. 1653-4. Thomas, son of Thomas Burdon, of Burdon, bapt. 28 August, 1603."—*Bishopwearmouth Reg.* The last descendants of this family were Quakers. Their lands in East Burdon are now by purchase the property of John Gregson, of Durham, Esq., —*Surtees*. Robert Burdon Cay, Esq., Solicitor, mayor of Sunderland in 1843-4, is understood to be descended from the family of Burdon above-named.

to be the first and modern **Common Councilmen** of the borough aforesaid, until a new election be holden of a common council of the borough aforesaid, in manner and form hereafter described.

And we further, of our mere especial favour, have granted, and by these presents, for us and our successors, do grant, to the aforesaid mayor, aldermen, and commonalty of the borough aforesaid, and their successors, that the mayor of the borough aforesaid, for the time being, and the aldermen of the said borough, and their successors for the time being, or the major part of them, being met and assembled together, yearly and every year for ever, shall, in each such year, in a place to be by them or the major part of them appointed within the borough aforesaid, on the Friday before the Monday next after the feast of St. Michael the Archangel, assign, nominate, and elect twenty-four others of the more discreet and honest men of the freemen and inhabitants of the borough aforesaid, which mayor, aldermen, and twenty-four more honest and freemen of the borough aforesaid, from time to time, may be, and in all future times shall be, the common council of the borough aforesaid; and that the aforesaid mayor, aldermen, and twenty-four more honest and freemen so nominated and elected, for the time being, the common council of the borough of Sunderland aforesaid, or the major part of the same, of whom we will, that the mayor and six of the aldermen, for the time being, be seven, being annually assembled in some convenient place within the borough aforesaid, on the Monday next after the feast of St. Michael the Archangel, shall nominate, assign, and elect, and may for ever, and have power to nominate, assign, and elect to

the mayoralty one of the twelve aldermen of the borough aforesaid, for the time being ; and that he shall be mayor of the borough of Sunderland aforesaid for one whole year then next ensuing ; provided the said mayor so elected shall live so long, and behave himself honestly in the said office. And that he who shall be nominated, assigned, and elected to the office of the mayoralty aforesaid, shall immediately after such election, be mayor of the borough of Sunderland aforesaid, and shall hold the office of the mayoralty in that place for one whole year then next ensuing, provided he shall live so long, and behave himself well.

We moreover will, ordain, and decree by these presents, that the aforesaid twelve aldermen, and twenty-four more honest and freemen of the borough aforesaid, nominated and elected to the common council, as is aforesaid, or the major part of the same, of whom we will that the mayor and six aldermen be seven, for any lawful cause to be approved, alleged, and set forth by us and our successors, or in our absence and that of our successors, by the temporal chancellor of the county palatine of Durham and Sadberge for the time being, if they be within the bishoprick of Durham, or, in their absence, by seven aldermen and the major part of the number of twenty-four of the common council, may and have power by these presents to depose and remove any person then being mayor of the borough aforesaid, from his office of the mayoralty, whenever the state and public good of the aforesaid borough, and a reasonable cause, set forth as aforesaid, may demand and require it. But if it should happen, that the person being mayor, at the time when he shall be mayor, should die and be deprived of life in

to be the first and modern **Common Councilmen** of the borough aforesaid, until a new election be holden of a common council of the borough aforesaid, in manner and form hereafter described.

And we further, of our mere especial favour, have granted, and by these presents, for us and our successors, do grant, to the aforesaid mayor, aldermen, and commonalty of the borough aforesaid, and their successors, that the mayor of the borough aforesaid, for the time being, and the aldermen of the said borough, and their successors for the time being, or the major part of them, being met and assembled together, yearly and every year for ever, shall, in each such year, in a place to be by them or the major part of them appointed within the borough aforesaid, on the Friday before the Monday next after the feast of St. Michael the Archangel, assign, nominate, and elect twenty-four others of the more discreet and honest men of the freemen and inhabitants of the borough aforesaid, which mayor, aldermen, and twenty-four more honest and freemen of the borough aforesaid, from time to time, may be, and in all future times shall be, the common council of the borough aforesaid; and that the aforesaid mayor, aldermen, and twenty-four more honest and freemen so nominated and elected, for the time being, the common council of the borough of Sunderland aforesaid, or the major part of the same, of whom we will, that the mayor and six of the aldermen, for the time being, be seven, being annually assembled in some convenient place within the borough aforesaid, on the Monday next after the feast of St. Michael the Archangel, shall nominate, assign, and elect, and may for ever, and have power to nominate, assign, and elect to

the mayoralty one of the twelve aldermen of the borough aforesaid, for the time being; and that he shall be mayor of the borough of Sunderland aforesaid for one whole year then next ensuing; provided the said mayor so elected shall live so long, and behave himself honestly in the said office. And that he who shall be nominated, assigned, and elected to the office of the mayoralty aforesaid, shall immediately after such election, be mayor of the borough of Sunderland aforesaid, and shall hold the office of the mayoralty in that place for one whole year then next ensuing, provided he shall live so long, and behave himself well.

We moreover will, ordain, and decree by these presents, that the aforesaid twelve aldermen, and twenty-four more honest and freemen of the borough aforesaid, nominated and elected to the common council, as is aforesaid, or the major part of the same, of whom we will that the mayor and six aldermen be seven, for any lawful cause to be approved, alleged, and set forth by us and our successors, or in our absence and that of our successors, by the temporal chancellor of the county palatine of Durham and Sadberge for the time being, if they be within the bishoprick of Durham, or, in their absence, by seven aldermen and the major part of the number of twenty-four of the common council, may and have power by these presents to depose and remove any person then being mayor of the borough aforesaid, from his office of the mayoralty, whenever the state and public good of the aforesaid borough, and a reasonable cause, set forth as aforesaid, may demand and require it. But if it should happen, that the person being mayor, at the time when he shall be mayor, should die and be deprived of life in

that year when he shall so hold the office of mayor, or for any lawful cause set forth as aforesaid, be deposed or removed from the said office of mayor within the year aforesaid, that then the aforesaid twelve aldermen, and twenty-four more honest and freemen of the borough aforesaid, nominated and elected for the time being to the common council, or the major part of them, of whom we will that seven aldermen be seven, may have the power of nominating and electing, for such time as may seem to them good and proper, within the space of twelve days then next ensuing, in some convenient place within the borough aforesaid, one of the twelve aldermen of the said borough for the time being to be mayor of the borough aforesaid, thenceforward and from the time of such deposition, death, or removal, till the Monday then next following the feast of St. Michael the Archangel, then next ensuing; provided he shall live so long, and well behave himself in the same. And that he who shall so be nominated and elected mayor shall hold and exercise the office of the mayoralty of the aforesaid borough, until the Monday then next following the feast of St. Michael then next ensuing; unless for some such cause to be set forth as is aforesaid, it should happen that he be removed, or die in the meantime. Which person so nominated and elected to the office of the mayoralty from any of the causes aforesaid, and also every other mayor of the aforesaid borough for the time being, within three days after his election to the office of the mayoralty aforesaid, shall take the corporal oaths in that case made and provided by the laws and statutes of England aforesaid; and also for the sacred and faithful execution and due exercise of his office, before the aldermen, or six of them, and the

twenty-four more honest and freemen of the borough aforesaid, for the time being elected to the common council, as is aforesaid, or of the major part of them, solemnly met and assembled for that purpose in some convenient place within the borough aforesaid; the tenor of which oath is as follows :—

“ I shall truth and faith bear to our sovereign Lord the King’s Majesty, his heirs and successors, and to the Lord Bishop of Durham, and his successors, bishops of Durham; and all such orders as I shall consent and agree unto to be made, shall be according to my skill and knowledge, for the common wealth and the benefit and profit of the borough of Sunderland, and the freemen and inhabitants thereof; and I shall at no time or times hereafter, while I am mayor of the borough, attempt or go about to make any orders against the royalties or privileges of the bishop of Durham, nor for the profit of myself, nor of any other private person or persons, or consent or agree to the same: and also, I shall at all times during my being mayor, so far as I am able, well and truly execute and perform all the points, articles, ordinances, and constitutions, confirmed in this grant of corporation, made to mayor, aldermen, and commonalty of the borough of Sunderland. So help me God, and by the contents of this book.”

We also do will, and of our mere especial favour, for us and our successors, as far as in us lies, grant to the aforesaid mayor, aldermen, and commonalty of the borough of Sunderland aforesaid, that from time time and for ever, on the said Monday next after the feast of St. Michael the Archangel, in every year, in a convenient place within the borough aforesaid, the same mayor,

aldermen, and twenty-four more honest and freemen, being for the time the common council of the aforesaid borough, or the major part of them, of whom we will the mayor and six aldermen to be seven, shall nominate and elect, and by these presents shall have the power and authority of nominating and electing, according to their sound discretion, one person skilful in the law to be the recorder of the borough aforesaid, and two burgesses, freemen, or inhabitants of the aforesaid borough, to be ~~Servants~~ ~~at flate~~, and servants of the said mayor for the time being, to attend upon his person, and to do and perform the lawful and honest commands and business of the mayor aforesaid, for one whole year then next ensuing, if they shall respectively so long live, and well behave themselves in their aforesaid offices.

And we moreover will, and grant for us and our successors, as much as in us lies, that the aforesaid mayor, aldermen, and twenty-four more honest and freemen elected to the said common council for the time being, or the major part of them, of whom we will that the mayor and six aldermen for the time being be seven, for one whole year next following the Monday next after the feast of St. Michael the Archangel, may be, and shall yearly be the electors of all eligible officers within the borough aforesaid, in case it shall happen that one or more of the officers so elected be deposed or removed from his office within the next year after such election has been made. And if it shall happen, that any one of the aforesaid twenty-four more honest and freemen, elected to the common council, should die within the year after such election has been made, as is aforesaid, that then, and as often as it may happen, the mayor and

aldermen aforesaid for the time being, or the major part of them, may, within twenty days next after the death of such person, elect to the common council some other honest and freeman of the borough aforesaid, to fill up the said number of the said twenty and four more honest and freemen.

And we moreover will and ordain, that if it shall happen that one or more of the said twelve aldermen should die, quit (the borough), or be deposed from his or their situation or situations in form and manner aforesaid, that then, so often as an accident of the kind shall happen, the said mayor, aldermen, and twenty-four more honest and freemen elected to the said common council for the time being, or the major part of the same, of whom we will that the mayor and six aldermen for the time being be seven, shall within twenty days next after such death, quitting (the borough), or removal of one or more of the aldermen aforesaid, or their successors, nominate and elect, and may and have power to nominate and elect some other freeman or men, burgess or burgesses, inhabitant or inhabitants of the borough aforesaid, to be alderman or aldermen of the aforesaid borough, in the place or places of such alderman or aldermen so dying, quitting (the borough,) deposed, or removed ; which alderman or aldermen, so nominated and elected, shall be and are alderman or aldermen of the borough aforesaid, for and during the natural life of such alderman or aldermen so nominated and elected, provided that he or they be not for some reasonable cause deposed or removed in form aforesaid.

We also will, and by these presents do give and grant for us and our successors, as far as in us lies, to the said mayor, aldermen, and commonalty of the borough afore-

said, and their successors, that if any one who has been elected or appointed to the office of the mayoralty, or of alderman, within the aforesaid borough, as is aforesaid, shall decline or refuse to take upon himself the trouble and execution of the office aforesaid, that then and so often as such person so elected and appointed shall decline or refuse, the mayor, aldermen, and common council of the borough aforesaid for the time being, or the major part of them, of whom we will that the mayor and six aldermen of the said borough be seven, may have, and by these presents shall have, from time to time and for ever, full power and authority to assess, tax, and impose any reasonable fine, punishment, or sum of money upon such person so elected and appointed, refusing the said office of the mayoralty, or to take upon himself the trouble and execution of the office of alderman of the borough aforesaid; so that the said fine, punishment, penalty, or sum of money do not exceed the sum of twenty marks, to be levied upon the goods and chattels of the said person so elected and appointed, declining and refusing, if he does not pay the said penalty or fine within twenty days then next ensuing, for the public use of the said mayor, aldermen, and commonalty of the borough aforesaid from time to time and for ever.

And we further, and of our mere special favour, do will, ordain, and grant, for ourselves and our successors, to the aforesaid mayor, aldermen, and commonalty of the borough aforesaid and their successors, so far as in us lies, that the aforesaid mayor, aldermen and twenty-four more honest and freemen, being the common council of the aforesaid borough, or the major part of them, of whom we will that the mayor and six aldermen be seven, being

met and assembled in a convenient place within the borough aforesaid, shall have, and by these presents may have full power and authority, in the place of, for and in the name of the whole body corporate and politic of the borough of Sunderland aforesaid, to compose, constitute, ordain, make, and establish, from time to time, such laws, statutes, rights, ordinances, and constitutions, as to the mayor, aldermen, and common council of the borough aforesaid, or the major part of the same, of whom we will that the mayor and six aldermen for the time being be seven, in their sound discretions shall seem good, salutary, useful, honest, and necessary for the good rule and government of the mayor, aldermen, and commonalty of the borough aforesaid, and of all other freemen and inhabitants of the said borough, and of all merchants, officers, ministers, artificers, and residents whomsoever, within the borough aforesaid for the time being, and for the rule and government of the markets, fairs, and marts, to be holden within the borough aforesaid, and the limits and liberties thereof, and of all people and subjects of our Lord the King, coming and resorting to the said markets, fairs, and marts, or to the borough aforesaid, whether by sea or by land, and for declaring after what manner and order the mayor, aldermen, and commonalty, and free burgesses, and all other and singular ministers, officers, artificers, fishermen, mariners, inhabitants, and residents within the borough aforesaid, with their factors, servants, and apprentices, in their several offices, functions, mysteries, arts, and businesses, within the borough aforesaid, and the liberties thereof for the time being, shall employ and conduct themselves, and otherwise for the more public good, advantage, and good rule and victualling of

the borough aforesaid; and also for the better preservation, government, letting, and demising of lands, tenements, revenues, and hereditaments, given, granted, or assigned, or hereafter to be given, granted, and assigned to the aforesaid mayor, aldermen, and commonalty of the borough aforesaid, and their successors, and all other things and causes whatsoever relating to or any ways concerning the borough aforesaid, or the state, rights, and interests thereof.

And that the mayor, aldermen, and common council of the borough aforesaid for the time being, or the major part of the same, of whom we will the mayor and six aldermen of the aforesaid borough be seven, as often as they shall compose, make, ordain, and establish such laws, statutes, rights, ordinances, and constitutions, in form aforesaid, may, and have power to make, ordain, limit, and provide such and such sort of pains, punishments, penalties, and imprisonment of the body, either by fines or amercements, or by both, towards and against all offenders against such laws, statutes, rights, and ordinances, or each and every of them, as shall seem to the same mayor and six aldermen, and the common council for the time being, or the major part of them, of whom we will that the mayor and six aldermen for the time being be seven, necessary and requisite for the better observance of such laws, ordinances, and constitutions, and also to levy fines and amercements, by distresses, or in any other legal manner whatsoever, and to have and retain them for themselves and their successors, for the public use of the borough aforesaid, without question or impediment of us or our successors, or any one or more of our officers, or those of our successors whomsoever;

all and singular which laws, ordinances, constitutions, rights, and statutes so to be made and composed as is aforesaid, we will to be observed and performed, under the penalties contained and to be contained therein ; so that the laws, ordinances, statutes, constitutions, and pains, punishments, penalties, and imprisonments, so made and imposed, be not repugnant and contrary to the laws, statutes, rights, or customs of the kingdom of England, or to the customs of our county palatine of Durham.

And we further, of our especial favour, certain knowledge, and mere motive for us and our successors, as far as in us lies, do give and grant to the aforesaid mayor, aldermen, and common council of the borough aforesaid, and their successors, that they and their successors hereafter for ever, may have, hold, and enjoy all the same customs, liberties, privileges, franchises, immunities, exemptions, acquittances, and jurisdictions, which have been heretofore granted to them and their successors, by the charters of any of the kings of this kingdom of England, or any of our predecessors, bishops of Durham, and also all and singular such customs, liberties, privileges, franchises, immunities, exemptions, and jurisdictions as the free burgesses and inhabitants of the new borough of Weremouth, now known by the name of the borough of Sunderland, have held, used, and enjoyed, or ought to have held, used, and enjoyed, by virtue of the grant and charter of King Henry the Third.

And we further will, have ordained, appointed, and granted, and by these presents, for us and our successors, as far as in us lies, do will, ordain, appoint, and grant, that the aforesaid mayor, aldermen, and commonalty of the said borough, and all the free burgesses and stallingers,

and all others, officers, freemen, and inhabitants of the said borough, may hereafter, for the public good of the said borough, more freely, commendably, and cheerfully exercise their offices, and receive to their own use the commodities, profits, customs, and usages that have been customary and usual in times past. And for the better maintenance of their aforesaid states and degrees, we being favourably inclined to, and resolving to endow with more ample privileges, the said mayor, aldermen, and commonalty of the borough aforesaid, do, for us and our successors, as far as in us lieth, give and grant to the aforesaid mayor, aldermen, and commonalty of the borough aforesaid, and their successors, that they and their successors hereafter and for ever may have, hold, and enjoy all and singular ferries, markets, tolls, piccages, stallages, pentages, customs, and all and singular liberties, franchises, profits, emoluments, commodities, acquittances, and free customs whatsoever, which heretofore the burgesses of the new borough of Weremouth, and which the free burgesses and inhabitants in the town and borough of Sunderland, within the borough of Sunderland, or any one or more of them, have heretofore had, held, and enjoyed, or ought to have, hold, and enjoy, by reason or virtue of any charters or grants, in whatever manner heretofore made, granted, and confirmed by any of the kings of England, or by ourselves, or by any of our predecessors, bishops of Durham, or by whatever other legal mode, right, custom, use, prescription, or title heretofore used, held, or accustomed.

And of our mere especial grace, certain knowledge, and mere motive, we have, for us and our successors, given and granted by these presents, as far as in us lies, do

grant, and by this our present charter have confirmed to the aforesaid mayor, aldermen, and commonalty of the borough aforesaid, and their successors, that they and their successors may have and hold, within the borough of Sunderland aforesaid, one market, to be held in the same town on the Friday,* every week, yearly and every

* The Market, says Patrick Sanderson writing in 1769, "which is but small, is kept on Fridays, but when the road is well filled with Colliers, then trade is more brisk at the shambles," continued to be held on that day of the week until the 18th November, 1820, when it was changed to Saturday by the Commissioners under the "Sunderland Improvement Act," but their authority to make this change was questioned by the mayor and corporation of Durham, who considered that it would prove injurious to Durham market, which had from time out of mind, been held on the Saturday; legal proceedings were threatened, but the Commissioners stood firmly to their resolution to change the market-day, and the threatened opposition of the corporation of Durham was withdrawn. Before the passing of the Sunderland Improvement Act in the year 1809, and down to the opening of the present market in 1830, the market was held in the High Street. The original butchers' market was within the boundaries of Church Street on the east, and the market cross, which, it is supposed, was a large pillar or shaft of polished freestone set into a square pedestal of the same material, standing about three feet above the level of the pavement, in the centre of the High Street, opposite to the premises now occupied by Mr. Naylor, spirit merchant, and Spenceley Lane, on the west. Within these limits, the low part of the houses on the south side of the High Street, now the site of the Arcade, &c., were occupied by the more wealthy butchers as shops. Immediately in their front, outside of the kerbstone of the footpath, was a row of unsightly wooden sheds, fixed in the ground, for the sale of butchers' meat, named the Shambles. Adjoining to these, and encroaching considerably into the High Street, beef stalls—open and uncovered wooden erections of a more temporary description than the former—were set out; butchers' stalls were also affixed to the fronts of the public houses (the Horns and others) on the north side of the High Street, thus rendering that great thoroughfare a

" ————— narrow footpath of a street,

Where two wheel-barrows tremble when they meet."

To such an extreme were these encroachments carried, that barely sufficient space remained for vehicles to pass: and when, as it frequently happened, two carts going in opposite directions met in this at that time the principal business part of the borough, the street was completely blocked up, and scenes occurred which would not be tolerated now-a-days. Notwithstanding grumbings long and deep were frequent, no one seems to have had courage sufficient to take the necessary steps in order to abate the evil, until Dr. Pemberton, who then resided in Lilburne House, foot of Vine Street, was driving his carriage along High Street, when his horses being set

year for ever, for the buying and selling of all goods,

upon by some of the butchers' dogs became restive, to the great danger not only of the bystanders but of the worthy Dr. himself, who thereupon commenced an action against the butchers, which was tried at Durham assizes in August 1800, and ended in a verdict in his favour. The beef stalls were forthwith removed, and those antiquated nuisances the shambles were swept away by the Sunderland commissioners shortly after their accession to power in 1809. The cross, of which the pedestal only remained, (the shaft having probably fallen to the popular fury during the stormy period of the civil wars, when crosses were by order of parliament demolished) was removed at the same time, and it is believed was thrown into a rubbish hole and buried on the south side of Zion Street. The enlargement of the town caused an extension of the butchers' market by straggling shops and loose stalls extending to Grey Street on the west; from Grey Street to Flag Lane were stalls with shoes, hats, earthenware, &c. The market for the sale of corn (which is toll free) adjoined the latter on the west and south side of the street: the opening and closing of which was announced, for many years, by Mr. John Service sen., hair-dresser, (father of Messrs. Charles and Joseph Service,) passing through it and ringing a hand bell. East of Church Street stood the carts and stalls for the sale of vegetables, &c. A small octagonal stone building named the Market house, with the market bell affixed to its roof, was built opposite to the Arcade, in the High Street, by the Sunderland commissioners; this was removed on the opening of the present market. The market for poultry, bustar, and eggs, was formerly held at the cross, which was quite a landmark—tradesmen advertising their places of business as being in the "market place" or "near the cross" as the case might be. The houses were not then numbered as they are now, and as at that time the foot-path in front of two shops, Nos. 167 and 168, High Street, west side of Spenceley Lane, comprised all the flagging of the public thoroughfares in the borough, their occupants in order to give more publicity to their business announcements, besides describing them as being near the cross, added "upon the flags." The neighbourhood of the cross was also the scene of mirth and music in days of old: even within the recollection of the venerable Miss Meadley, during fair times and upon other festive occasions, mountebanks and other strolling players stretched cords across the High Street, from the windows of opposite houses, whereon they performed their gymnastic and acrobatic feats to the amusement of the people. On the 3rd October, 1811, Thomas Elliott was brought from Durham gaol by Richard Scruton, Esq., under sheriff, and other officers of the county, pursuant to his sentence at the previous assizes at Durham, for an assault upon a young girl, and stood in the pillory for several hours, which was erected upon a wooden platform about eight feet high, near the site of the cross. It was calculated that there were 20,000 spectators present, who behaved in the most orderly manner—scarcely a single insult being offered to the convicted delinquent. This is one of the very few instances of the punishment—now abolished—of the pillory inflicted at Sunderland, and the last in this district.

chattels, things, and merchandise, and whatever else relates, or ought or may relate to the said market.

And moreover, the same mayor, aldermen, and commonalty of the borough aforesaid, and their successors, may have and hold, for ever, two fairs or marts, to be held within the borough aforesaid, for the buying and selling of all goods, chattels, things, and merchandise, and whatever else pertains or relates to the two fairs or marts aforesaid, to be held within the borough aforesaid every year for ever, to wit, one on the feast of St. Philip and St. James, and the other on the feast of St. Michael the Archangel; together with all fees, dues, pledges, rents, tollages, piccages, stallages, and perquisites, arising or accruing from such markets, fairs, or marts, with all liberties and free customs, profits, advantages, commodities, and emoluments, in whatever manner pertaining or relating to such markets, fairs, or marts; provided, nevertheless, that the fairs or marts aforesaid be not prejudicial to other fairs or marts adjoining, in the county of Durham.*

* The above is the first notice on record of Sunderland fair, which was clearly restricted by Bishop Morton to two days in each year; the feasts of St. Philip and St. James (the 1st May), and St. Michael the Archangel (the 29th September), and not four days in the year as now held. The grant of markets, fairs and tolls, to the mayor, twelve aldermen, and commonalty of Sunderland by this charter, expired with the bishop, and upon the restoration of King Charles II. Bishop Cosin treated it and its grants as null and void in the following lease granted by him to Walter Ettrick, Esq., of Sunderland, dated October 18th, 1661:—

“And also all tolls had and payable for all or any the goods or commodities to be sold or vended in the borough of Sunderland aforesaid, and likewise the benefits, profits, and commodities, upon any sale of fruit, roots, victuals, and other merchandise sold by any manner of metage imported to the port, haven, or creak of Sunderland aforesaid; the metage of all salt, fruits, roots, victuals, or other merchandise there imported for the use of the said lord bishop and his successors only excepted and foreprised.”

We, moreover, of our more abundant grace, certain

This lease, which included the ferry-boats, was renewed by succeeding bishops to several members of the Ettrick family, afterwards and now of High Barns; it was sold by William Ettrick, Esq., (grandfather of Anthony Ettrick, Esq., of High Barns) with the concurrence of Bishop Barrington to the commissioners of Wearmouth Bridge, in the year 1795, who again sold the tolls of roots, fruits, &c., vended in Sunderland market, to the commissioners under the Sunderland Improvement Act, on the 1st April, 1821, for an annual payment of ten pounds. The metage upon salt, fruit, &c., included in the lease of Bishop Cosin and succeeding bishops, to the Ettrick family, is lost, and has never been levied within living memory; probably the smallness of its amount formerly was not worth the cost of collecting.

On the 15th July, 1682, Bishop Lord Crewe granted a lease to George French, Esq., of Hetton-in-the-Hole, of "All his borough and town of Sunderland-nigh-the-Sea, in the county of Durham aforesaid, with all borough courts, perquisites of courts, and borough rents, duties, customs, and profits belonging to the said borough." The above lease, after several renewals to other parties, was granted to different members of the Lambton family, of Lambton Hall, who, for upwards of a century, held the tolls of Sunderland fair and market, not included in the Ettrick lease. About seventy years ago, Mr. Thomas Jowsey, then landlord of the Golden Lion Inn, afterwards of the George Inn, and the Bridge Hotel, was the collector of tolls for the Lambton family under the bishops' lease. Mr. Jowsey, on the morning of the first fair day, proceeded to the market cross and along High Street, accompanied by two constables bearing staves, a man with a large basket filled with gingerbread nuts, which were liberally thrown away amongst the youngsters, and Mr. Edward Usher, (grandfather of the Rev. Edward Usher, an eminent Wesleyan Methodist minister,) the town crier, better known as Neddy the Bellman, who proclaimed a free and open fair for two days, within the borough. Mr. Usher was reputed to be the best bellman in England. It is stated by credible persons who knew him, that his strong voice, when following his occupation in Sunderland, has been heard on Bilton Hill.

July 28th, 1820.—Indenture made between the Honourable and Right Rev. Shute [Barrington] Lord Bishop of Durham, of the first part; John George Lambton, Esq., M. P., of Lambton Hall, [afterwards Earl of Durham,] of the second part; Messrs. Benjamin Bray, chemist and druggist, High Street, [major in the Sunderland Volunteer Artillery]; Robert Spoor the elder, woollen draper, High Street; William Mounsey, grocer and tea dealer, Low Street; Caleb Wilson, merchant and shipowner, High Street; William Walton, grocer and porter merchant, High Street; Bernhard Ogden, chemist and druggist, High Street; Richard Markham, linen and woollen draper, High Street, [Lieut. Col. Commandant of the Sunderland Volunteer Artillery]; Thomas Robson, linen and woollen draper, High Street; William Robson, shipowner, 1, Nicholson Street, Bishopwearmouth; Thomas Satchell, linen and woollen draper, High Street; Thomas Parker, merchant and shipowner, High Street; and Jonathan Willey, spirit merchant, High Street, commissioners under the Sunderland Improvement Act, of the third part.

knowledge, and mere motive, do will, and by these presents for us and our successors, as far as in us lies, grant to the aforesaid mayor, aldermen, and commonalty of the borough aforesaid, and their successors for ever, that every mayor of the borough aforesaid, for the time being, may be, and shall be, for ever, clerk of the market within

In consideration of three hundred and seven pounds the bishop conveys to the commissioners the reversion in fee simple, to take effect in possession immediately upon the determination of a term of twenty-one years, granted by an indenture of lease, dated the 2nd September, 1818, to Mr. Lambton, of and in all and singular the rents, tolls, duties, and profits, arising from the sale, or exposure to sale, of goods, wares, and merchandises upon all market and fair days and other days, within the market-place—the old butchers' market—and streets of the borough and pariah of Sunderland, and the stallage or annual or other rents due and payable, or to become due or payable in respect of the butchers' and other stalls erected, or to be erected, within the market-place and streets of the said borough and pariah; and in consideration of three hundred and ninety-three pounds, Mr. Lambton conveys to the said commissioners all his interest and term of such tolls and duties, making the total sum for the bishop and Mr. Lambton's interest in these tolls, seven hundred pounds. By the above conveyances to the Sunderland commissioners, all the tolls in the market and fairs are now vested in the mayor, aldermen, and burgesses of Sunderland, who have full power to establish other markets and fairs and receive tolls therefrom within the ancient borough and pariah of Sunderland, but in no other part of the municipal borough of Sunderland. The commissioners shortly after their purchase of the tolls, attempted to establish a market for the sale of cattle, on Tuesdays, in Barrack Street: the pens for sheep, &c., were placed against the wall of the barracks. This market proved a failure owing to its isolated situation from the cattle breeding districts. A half-yearly hiring for servants, in May and November, in front of the Exchange, was tried by the commissioners, which also failed for want of support. The fishermen of Sunderland received the rents and tolls, from the booths and shows erected in Barrack and North Moor Streets, at the fair, from the year 1817 to 1853; their claim arose out of their possession of the whole of the Town Moor, to the total exclusion of the freemen and stallingers (of this, more hereafter). The right of the fishermen to receive these tolls, was successfully resisted by the lessee of the mayor, aldermen and burgesses of Sunderland, in 1853.

Mr. Jowsey above-named (step-grandfather of Mr. Thomas Jowsey Reay, of the Lambton Coal Fitting Office, Sunderland) was the successor of Mr. James Martin, at the "Golden Lion," whose good cheer was immortalized by Thomas Clerke, Esq., (believed to be the author of the local song of "Spottee," and father of Thomas Clerke, Esq., of Silver Street, Sunderland, surgeon, (who died July 15th, 1816, aged 74 years, and lies buried in Sunderland Church Yard), in a bold and en-

the borough aforesaid, and the limits thereof, to be held so long as he shall hold and occupy the office of the mayoralty of the borough aforesaid, and that he shall have full power, jurisdiction, authority, and liberty to do and exercise all and every thing relating to the office of clerk of the market in that place, in as ample manner and form as other clerks of the markets within the county palatine of Durham have heretofore had ; together with all rents, profits, perquisites, fines, penalties, recoveries,

livening local song entitled "Sons of the Wear," published in "The Modern Syren; or Enchanting Songstress," printed and sold by Mr. James Graham, Sunderland, 1781, of which the following is an extract :—

"Ye social few, with hearts ever true,
Unshaken by gold or by fear,
Who meet with a view ev'ry grief to subdue,
And regale over Martin's good cheer,
Be happy and free, each glass fill with glee ;
Success to the Sons of the Wear."

Mr. James Martin was the father of Sarah wife of Mr. James Cawdell (the eminent comedian and manager of the Theatre Royal, Sunderland), who (as Miss Martin) was the subject of the following acrostic, entitled "The Friendly Wish," by her future husband, in his "Miscellaneous Poems," printed for the author, by Mr. James Graham, Bookseller, in the High Street, Sunderland, 1785.

M ay each observant eye, enraptur'd, trace,
I n Sarah's mind, the beauties of her face.
S upremely bless'd with all that Heaven can give,
S o justly due, may justly she receive.

M ay fond affection, and her duty, prove
A grateful knowledge of her parents' love ;
R esplendent honours crown her spotless fame
T o virtue constant, and unknown to shame.
I n marriage may she ne'er from truth depart,
N or give her hand without her willing heart."

The mortal remains of Mr. and Mrs. Cawdell repose in Sunderland churchyard, as appears by the following monumental inscription :—"In memory of James Cawdell, who died Jan. 12th, 1800, aged 50 years. Also Sarah his wife, who died Nov. 27th, 1842, aged 75 years. Also two sons and one daughter who died in their infancy."

forfeitures, and amercements, forfeited and to be forfeited, assessed and to be assessed; that all and every the aforesaid grants, and all and every the aforesaid customs, liberties, privileges, franchises, and all other and singular premises whatsoever, and every thing thereto appertaining, be had, held, and enjoyed by the aforesaid mayor, aldermen, and commonalty of the borough aforesaid, and their successors, for the use of the same mayor, aldermen, and commonalty of the borough aforesaid, and their successors for ever, to be held of us and our successors in fee-farm, by paying thereout to us and our successors, to our exchequer at Durham, the sum of thirteen shillings and fourpence, to be paid to us and our successors, or to our receiver general, for the time being, on the feast of St. Martin, bishop, in winter only, in lieu of all other services, exactions, and demands whatsoever, henceforward to be paid or done to us or our successors. *In Testimony* whereof, we have caused these letters to be made patent. Witness, Richard Hutton, knight, one of the justices of our Lord the King, now of the county palatine of Durham.

Given at our castle of Durham, the thirty-first day of March, in the tenth year of the reign of our Lord, King Charles, by the grace of God, of England, Scotland, France, and Ireland, King, Defender of the Faith, &c., in the second year of our translation to the bishoprick of Durham, and in the year of our Lord, one thousand six hundred and thirty-four.

And we, Richard Hunt, professor of divinity, Dean, and the Chapter of the Cathedral Church of Christ, of the blessed Virgin Mary, Durham, by our unanimous consent and assent, for us and our successors, do, as far as in us lies, and we rightfully can, accept, approve, and ratify,

and by our chapter authority confirm, by these presents, the duration, grant, ordinance, erection, and constitution, named above, and annexed to these presents, with all and every privileges, advantages, rents, customs, commodities, emoluments, and profits whatsoever, and all other and singular grants which have been made by the Reverend Father in Christ, Thomas, by the grace of God, Bishop of Durham, by his letters patent annexed to these presents, according to the meaning, form, and effect of the same letters patent; provided always that the rights, liberties, dignity, and honour of our Cathedral Church aforesaid, be in all and every thing untouched and unimpaired. In witness whereof, we have affixed our chapter seal to these presents.

Given at our chapter house at Durham, on the seventeenth day of April, one thousand six hundred and thirty-four, and in the tenth year of the reign of our most sovereign Lord, Charles, by the grace of God, of England, Scotland, France, and Ireland, King, Defender of the Faith, &c.

Through the destruction and confusion incident to the turbulent reign of King Charles I., this charter was suffered to expire, no mayor, aldermen, or common councilmen having ever been chosen to replace Bishop Morton's nominees.



CHAPTER VIII.

PERIOD OF THE CIVIL WARS. SUNDERLAND GARRISONED
FOR KING CHARLES I. TAKEN BY THE SCOTS. MILI-
TARY OPERATIONS IN THE NEIGHBOURHOOD.

BETWEEN the years 1600 and 1635, a considerable influx of population appears to have taken place in Sunderland, including several families of Scotch settlers and some foreign merchants. Amongst the former, occur the names of Dunbar, Mackracknell, Mackinnon, Dalgleish, Boyd, Rampsay, Steward, Grayme, and Oliphant; Dericksen, Claes, and a few others, seem of foreign extraction. Amongst other singular names, those of Winspear, Fishpool, Silverbones, Buildrake, Brickadike, and Couple-dyke, occur in the registers.*

In 1635, the officers of the see of Durham having been interrupted, as well in the port of Sunderland as elsewhere, by the crown servants, the bishop exhibited his petition to the king in council for redress of grievances, and the allowance of his palatine rights, particularly an exemption for the sheriff of Durham from attending or accounting in the royal exchequer. In the same year the odious tax of ship money was first levied. The ports of Sunderland, Hartlepool, and Stockton were charged with one ship of the burthen of two hundred tons for the ser-

* Surtees.

vice of the state, manned with fourscore men, and double equipage, with ammunition, wages, and victuals, at an expense of one thousand eight hundred and fifty pounds, levied by a rate (of three shillings and sixpence in the pound, in the book of rates) on the whole county. About this period orders for ship money are very frequent.

About the year 1638, one Michael Crake, a footman or other servant to King Charles I., was made water-bailiff of the port of Sunderland, first by his Majesty's patent, and afterwards (on the vacancy of a lord high admiral) by lease, and after that by the Earl of Northumberland, lord high admiral. He never enjoyed it peaceably, and was always opposed by Thomas Morton, then Bishop of Durham, or his lessees of that office and port duties, which was contested by orders and counter orders, until the great civil war and the exclusion of the bishops.

In 1642, Crake obtained an order of the Commons House of Parliament to prohibit the clearing of ships without his fees and warrant; but in the following year, the bishop's lessees obtained another order revoking that to Crake, and quieting the lessees in the possession until it should be determined by law, which Crake did not prosecute, and so the lessees continued in possession till their lease expired during the commonwealth.*

We have now approached the era of those civil broils, which filled the state with distraction, during the latter part of the reign of King Charles I., and ultimately brought that wavering monarch to the scaffold. As the political and religious principles which were agitated by the contending parties are well known to every reader of

* Spearman's Enquiry, p. 32.

British history, it would be useless enlarging upon them in a work of this nature ; suffice it, therefore, to say that a war with Scotland took place.

On the 20th August, 1640, the Scottish army commanded by Alexander Leslie,* an old experienced general, crossed the Tweed and entered England. On the 22nd they encamped near Wooler, and during the

* Alexander Leslie, the celebrated military leader of the Covenanters during the civil wars of Charles I. created Lord Balgonie, and afterwards Earl of Leven, was the son of Captain George Leslie, of Balgonie, by his wife, Anne, a daughter of Stewart, of Ballechin. Of the place of his birth, or the extent of his education, little can be said with certainty. Zachary Hamilton, preceptor to the Pretender's son, told Lord Hailes, that Leslie was a soldier of fortune, and that one day on a march in Scotland, he said to an officer, "There is the house where I went to school." "How, general?" answered the officer, "I thought you could not read."—"Pardon me, I got the length of the letter G." However this may be, certain it is that he acquired the highest reputation as a soldier, under Gustavus Adolphus, King of Sweden, who appointed him governor of Stralsund, which he bravely and vigilantly defended against the Imperialists. He was also governor of the cities along the coast of the Baltic ; and afterwards promoted to the rank of field-marshal over an army in Westphalia. In 1639, Leslie returned from Sweden and took the command of the Scottish army raised to resist King Charles I. He died at Balgonie, on the 4th April, 1661, at a very advanced age, and was buried on the 19th of the same month, in the church of Markinch. "Few men," says Chambers, "have been more fortunate in life than Alexander Leslie, Earl of Leven. He appears to have entered upon its duties without fortune and with a scanty education, and by the force of his talents, seconded by habits of religion and persevering industry, raised himself to the highest honours which society has to confer, both in his own and in foreign countries. His services were at the time of immense value to his country, and would have been much more so, had they not been shackled by the prejudices, the prepossessions, and the ignorance of those whom the circumstances of birth placed over him as directors. His lordship acquired extensive landed property, particularly Inchmartin in the Carse of Gowrie, which he called Inchleslie. He was twice married ; first to Agnes, daughter of Renton of Billy in Berwickshire, and by her had two sons, Gustavus and Alexander, the latter of whom succeeded him as Earl of Leven ; and five daughters. After the death of his first wife, which took place in 1661, he married Frances, daughter of Sir John Ferriers of Tamworth in Staffordshire, relict of Sir John Parkington, Baronet, of Westwood, in the county of Worcester, by whom he had no issue. His peerage finally became merged by a female with that of Melville, in conjunction with which it still exists."—*Chambers's Scottish Biographical Dictionary*, vol. iii., page 394.

night were attacked by the garrison of Berwick, who made a sally, and surprised a detachment, from which they took three field pieces; but the alarm being given, the guns were quickly retaken, and the assailants driven back, with the loss of several prisoners. On the 27th the Scottish army arrived at Newburn (a village about four miles from Newcastle), and established their camp at a spot called Heddon-Law, on elevated ground, from which there was a gradual slope down to the bank of the river Tyne. General Leslie dispatched a drummer to Newcastle, with letters to the mayor and to the commander-in-chief of the royal army; but meeting with Sir Jacob Astley and other officers, who had ridden a little out of the town to survey the ground, the messenger was sent back with his letters unopened, and an intimation that if the Scottish general sent any more sealed letters, it would be better for the messenger had he remained at home. That night the Scots, finding coals in abundance, made great fires in and about their camp, which made it appear of great compass and extent, and tended to impress the English with an exaggerated notion of their force. There were two places at a short distance from each other, at which the river might be forded at low water, opposite which the English general (Lord Conway) had caused sconces or breast-works to be raised; and to support these, in case of an attempt by the Scots to cross the river in the night, a part of the English army was drawn out into a plain of meadow-ground, about a mile in length, stretching along the southern bank of the Tyne from Newburn-haugh to Stella-haugh, and remained there under arms all night. Each of the two sconces just mentioned was defended by four hundred men

(musketeers) with four pieces of ordnance. In the morning, the whole force, consisting of three thousand foot and fifteen hundred horse, was formed in array of battle on the same spot, the horse being drawn out in squadrons at some distance from the foot, to cover them. The Scots, from the moment of their arrival, had encouraged the English of all classes to come into their camp, where they welcomed them with the warmest expressions of love and cordiality, assuring them that they intended to do harm to none but such as should oppose them in approaching the king, to petition for justice against the incendiaries who were equally hateful to both nations. During the forenoon of Friday, the 28th, the Scots watered their horses on one side of the river, and the English on the other, without any of those insults and reproaches which usually pass between enemies on such occasions; and this was remarked as a proof of the want of animosity between them, and of the distaste of the English soldiers for the war. Nevertheless, the Scots made every preparation for action. They brought cannon into Newburn village, some of which they planted on the steeple of the church, which stood at a short distance from the river, while their musketeers occupied the church and houses, and lined the lanes and hedges, in and in the neighbourhood of the village. They were enabled to do this almost unobserved, from the advantage of their position, whence they had a distinct view of the English army on the low ground on the other side of the river, and could detect their slightest movements; whereas their own detachments were concealed from view by the trees and hedges which covered the ground to the north of the river.

Thus for several hours the two armies faced each other, without manifesting any inclination to proceed to blows ; until at length, when the day was already far advanced, a Scottish officer, well mounted, having a black feather in his hat, came out of one of the thatched houses in the village of Newburn to water his horse in the river Tyne, as his comrades had done all the day. But an English soldier, perceiving that he directed his eyes to the English entrenchments on the south side of the river with an enquiring look, and imagining, probably, that he was surveying them with a view to an attack, fired at him—perhaps, as was supposed by some, only to frighten him : the shot, however, took effect, and the Scottish officer fell wounded from his horse. The Scottish musketeers immediately opened their fire upon the English, who returned it, and a warm fusillade was kept up across the river. The small arms were soon followed by the cannon, the Scots from the steeple directing their shot on the English breast-works, and the English aiming at Newburn church ; but the latter were mostly new levies, and hardly knew the use of their guns, and the Scottish fire was therefore much more effectual. Thus they continued firing on both sides until it was nearly the hour of low water, and a breach was made in the greater sconce, which was commanded by Colonel Lunsford. Lunsford's men were already disheartened, many of them were killed and wounded, and it was with difficulty that he restrained the rest from flight ; but when, by another discharge of the enemy's guns, one of their captains, with a lieutenant and some other officers, were slain, they were on the point of mutiny, complaining that they were put upon double duty, that they had stood there all night and all that day,

and that soldiers ought to have been sent from Newcastle to relieve them. Colonel Lunsford, with much ado, again persuaded them to remain at their post ; but immediately afterwards another cannon-ball falling among the soldiers in the works, and killing some more of them, the others threw down their arms and fled.

Leslie, from the high ground, witnessed the desertion of the larger sconce, and saw the effect already produced by his artillery, and he ordered a small party of horse to pass the river and reconnoitre. This hazardous service was undertaken by twenty-six of the troop of Scottish lawyers of the college of justice, which formed Leslie's bodyguard : they dashed across the ford, reconnoitred the other sconce, and returned without coming to close quarters or receiving any hurt. While this feat was being performed, the Scots kept up so heavy and well directed a fire on the English foot, that they also began to waver and retire from their entrenchments. Leslie immediately ordered Sir Thomas Hope, with the troop of cavalry of the college of justice, and two regiments of foot, commanded by Lords Lindsay and Loudon, to cross the river again ; and at the same time the Scots, having planted a new battery on a hill to the east, so galled the king's horse, drawn up in the meadows opposite, with the fire of nine cannons, that they were thrown into the greatest disorder ; and when they saw that new detachments of the Scottish army were crossing the river, they found it necessary to sound a retreat, Colonel Lunsford drawing off the cannons. The horse seem to have shown less inclination to fight than the foot ; and the only spirited attempt at resistance was made by Commissary Wilmot, son of Lord Wilmot, Sir John Digby, a popish

recusant, and an Irish officer named Daniel O'Neil, who were commanded with a few men to protect the rear, whilst the foot retreated up Ryton* and Stella banks. In the execution of this duty, they charged the Scots bravely, and drove some of them back into the river. But new bodies of Scots arriving continually, they were surrounded and taken prisoners before they could disentangle themselves from the melee; and it was matter of favourable remark, on all sides, that General Leslie treated these prisoners nobly in the Scottish camp, and afterwards gave them free liberty to return to the king's army.

Thus ended this memorable engagement, in which the whole loss of the English was only about sixty men,† nearly all killed at the sconces,—a clear proof that King Charles's soldiers had no inclination to the war in which he had engaged them against their neighbours. The English fled in the utmost disorder to Newcastle; and at a council of war called by Lord Conway, at twelve o'clock the same night, it was resolved that the town was not tenable, and that the English army should immediately retreat to Durham. So great was the consternation, that by five o'clock the next morning the whole army was on

* The parson of Eke [Ryton] and of Whickham, first rifled their own houses, and then fled, leaving nothing but a few play-books and pamphlets; and one old cloake, with an old woman, being the only living Christian in the towne; the rest being fled.—*Doings of the Scots in Newcastle after the fight of Newburn.*

† Clarendon says the English loss was "not a dozen."—*Hist.* vol. i., p. 155. Rushworth estimates them at more than 60 killed.—Vol. iii., p. 1238. Whitelocke states that "three hundred of them were killed and taken prisoners."—*Memorials* p. 34. The letter of the Scottish committee of war mentions no number. No account rates the Scottish loss exactly, but it was trifling.

its march, with its train of artillery and provisions, and Newcastle was left without a soldier to defend it.*

The occupation of Newcastle, which the Scots entered the day after the victory at Newburn, gave them, in fact, military possession both of Durham and Northumberland; and the people, panic-struck and deserted by the regular troops, seem to have offered no further opposition, but to have merely considered how to make the best terms with the conquerors. Rushworth's description of the state of the county at this period is too lively to be omitted :—
“At this time Newcastle and the coal-mines, that had wont to employ ten thousand people all the year long, some working underground, some above, and others upon the water in keels and lighters,—now not a man to be seen, not a coal wrought, all absconding, being possessed with a fear that the Scots would give no quarter; four hundred ships using to be there often at a time in the river, not a ship durst come in; an hundred and odd coming to the mouth of the haven the day after the fight, and hearing that the Scots had possessed Newcastle, returned all empty, and tradesmen in the town for some days kept their shops shut; many families gone, leaving their goods to the mercy of the Scots, who possessed themselves of such corn, cheese, beer, &c., as they found, giving the owners thereof, or some in their stead, some money in hand, and security in writing for the rest, to be paid at four or six months' end, in money or corn; and if they refuse, said the Scots, such is the necessity of their army, that they must take it without security rather than starve. As for the city of Durham, it became a most depopulated place; not one shop for

* Wright's History of Scotland; Rushworth's Historical Collections.

four days after the fight open ; not one house in ten that had either man, woman, or child in it ; not one bit of bread to be got for money, for the king's army had eat and drunk all in their march into Yorkshire ; the country people durst not come to market, which made that city in a sad condition for want of food.

"At this time a letter came from the lord lieutenant-general, to bury or break every upper millstone, and drive and carry away all cattle and goods to a great distance, insomuch that most drove their cattle and sheep into Yorkshire and removed most of their families thither also."*

On the 3rd September, Sir William Belasyse, high sheriff of Durham, and Sir William Lambton, of Lambton Hall, waited on General Leslie at his Leaguer at Newcastle, to give security for supplying the Scots army, during their stay, with forage and provisions. About the same time the general and the Scottish commissioners ordered the seizing and sequestration of all rents and profits belonging to bishops, deans, and chapters, or papists recusants, for the use of the army.

The following is a copy of the commission issued on this occasion :—

"By virtue of a commission from General Lesley, his excellency, and the rest of the right honourable lords, and others of the committee for ordinary business for the Scottish army, directed to us Tobias Knowles and William Hamilton, gentlemen, to enquire and find out the rents, tithes, and profits belonging to the bishops, papists, or any other associates, enemies to this army, and to take an inventory of their rents, goods, and profits whatsoever,

* Rushworth.

and to chuse able men to assist in this business : We understanding that Mr. George Grey* and Mr. Anthony Smith† have been employed in business for the tenants of the dean and chapter of Durham, and understanding that the said tenants have rents in their hands due at St. Cuthbert's day last, and rents that will be due at Martinmas next, with tithes and many other profits, &c. These are, therefore, by virtue of the said commission, to require and charge you Mr. George Grey and Mr. Anthony Smith, to enquire and search out all the rents, tithes, and profits belonging to the bishop of Durham, the dean and chapter, or any other associates or papists, enemies to this cause and expedition, and to give in their names, with a schedule or inventory of their goods, rents, and profits whatsoever : And to warn all the tenants of the aforesaid parties, especially the tenants of the dean and chapter of Durham, for the rents, tithes, and profits which are due at St. Cuthbert's day last, or any other former debts or sums of money due or to become due at Martinmas next, by the tenants of Westoe, Harton, &c., &c.‡ not to pay any rents to the aforesaid dean and

* The elder, of Southwick, and one of the aldermen of Sunderland, under Bishop Morton's charter.

† M. P. for the city of Durham in 1654 and 1656. He was one of the fraternity of mercers, and mayor of Durham, in 1657. He voted with those who wished that the crown and title of King should be offered to Cromwell. He is styled, in various publications of the day, an alderman, master of an hospital, and a registrar of marriages, worth £200 per annum. He appears as a magistrate of the county in 1658. He died 12th March, 1682-3, and was buried at St. Nicholas', Durham. In Bee's Diary, in the "List of Mortality" for 1682-3, his decease is recorded, adding, that he was "once a member of parliament, in *Oliver's* time."—*Sharp's Knights and Burgesses*, p. 31.

‡ The townships of Monkwearmouth, Southwick, and Fulwell are within the manor of Westoe, belonging to the Dean and Chapter of Durham, and would be included in the above commission.

chapter, nor to any of their receivers or officers, but towards the relief and maintenance of the army, as they will answer to the contrary : And those that shall refuse to pay the said rents, tithes, and profits as aforesaid, and to set their hands thereto, we require and charge you to return their names in writing, with their places of abode, that such further course may be taken with them as shall be thought fit by the general. And of this fail not, as you will answer the contrary at your peril. Dated at Newcastle, the 14th of September, 1640."

(Signed,)

TOBIAS KNOWLES.
WILLIAM HAMILTON.

These arbitrary proceedings were ill relished by the people of the palatinate, as will appear from the following petition :—

" To the right honourable the lords of England, appointed commissioners for the present meeting at Ripon.

" The humble petition of the tenants belonging to the bishop and dean and chapter of Durham, most humbly sheweth, That whereas they have paid to the Scots a great sum of money, that thereby the inhabitants within that county might be freed from any further trouble of the Scots, &c., that their army should make no waste or spoil in their country, nor to demand no more monies to be paid to them till that time be expired : Yet so it is, may it please your honours, that the commanders for the Scots army have caused one Tobias Knowles, an Englishman, to send forth his warrants under his hand to divers parishes, thereby commanding the constables, greeves, and officers, to pay their collectors the rents due from

your petitioners to the bishop and dean and chapter of Durham at Michaelmas next, and that they should pay the same at Bishopwearmouth, on Tuesday last, being the 29th of September last past, and they should have a sixth part abated; and if they did refuse to pay them that day, then they should pay all their rents to them the 2nd day of October, instant, without any abatement, at their perils. Their most humble suit is, that your honours would be graciously pleased to move the Scotch lords, that the poor tenants may be eased for paying the said rents, they being no way able, and the rents not yet due, and they not able to give them any discharge therefore; and that their officers may desist from further troubling the said tenants about the payment of the said rents. And they shall daily pray," &c.*

On the Monday after the battle of Newburn, General Leslie pitched his tents on Gateshead Hill, half a mile south of Newcastle. Sir Thomas Riddell, ancestor of the Riddells of Felton, Northumberland, possessed much property there about that time. His seat house was at the east end of the old chapel, of which there are yet some beautiful and interesting remains. On his premises the covenanting general seems to have encamped; and from a petition of Sir Thomas Riddell to the king, inserted in Rushworth, he seems to have succeeded very ill in keeping up the "appearance of an amicable correspondence" with the unfortunate knight. This petition we insert at length, because it completely disproves Hume's assertion in favour of his countrymen, that they preserved exact discipline, and paid for every thing.

* Hutchinson, vol i., p 503; Rushworth's Historical Collections.

“To the King’s most Excellent Majesty.

“The humble petition of Sir Thomas Riddell, the elder, knight, humbly sheweth, that your petitioner being an inhabitant of Gateside, near Newcastle-upon-Tyne, the Scots army, now of late since their coming hither (September, 1640), have taken and disposed of all your petitioner’s corn, as well that in his garners, being a great quantity, as also his corn on the ground; and have spoiled and consumed all his hay, both of the last year and this year’s growth, and do keep possession of his two Milnes of great value, have spent his grass, and spoiled many acres of his ground by making their trenches in it; have wasted and disposed of his coals already wrought; have spoiled and broken his engines, and utterly drowned and destroyed the best part of his coal mines, have banished his servants and overseer of his lands and coal works; have plundered divers houses of your petitioner’s tenants and servants, and taken and spoiled their goods, so that they are not able to pay your petitioner any rent, nor do him any services. By all which your petitioner is already damnified £1,500. And for all which premises the said Scots have not given any satisfaction to your petitioner nor his tenants, whereby your petitioner and his posterity are like to be ruined and undone (most of your petitioner’s estate consisting in the said coalyerie) unless some present course be taken for your petitioner’s relief.

“Your petitioner humbly requests, that your majesty will be graciously pleased to take the premises into your gracious consideration, and of your wonted clemency to afford your petitioner such remedy as to your highnesses’ wisdom shall seem meet.

"And your petitioner shall daily pray for your majesty."

The "ruinated" condition of the worthy knight receives likewise very curious illustration from a letter which we here extract from the Antiquarian Repertory, vol. iv. p. 436. It is from Sir John Lessly who professes to be a cousin of the general and one of his captains, and is entitled Copy of Sir John Lessly's letter, to Sir Thomas Riddle of Gateshead, upon the Siege of Newcastle by the Scots, in the year 1640.

"Sir Thomas,

"Between me and God, it maks my heart bleed bleud, to see the warks gae through sae trim a garden as yaurs, I hae been twa times wi' my cousin the general, and sae shall I sax times mare afore the wark gae that gate; but gin a' this be dune, Sir Thomas, yee maun macke the twenty pund thretty, and I maun hae the tag'd tail'd trooper* that stands in the staw, and the little wee trim gaeing thing† that stands in the neuk o' the ha' chirping and chiming at the noontide of the day, and ferty baws of beer‡ to saw the mains§ witha'; and as I am a Chevalier of fertune, and a limb of the howse of Rolkes, as the muckle maun kist|| in Edinburgh auld kirk con weel witness for these aught hundred years bygoine, nought shall skaith your house within or without to the validoine of a twapenny chicken.

I am your humble servant,

JOHN LESSLY,

"Major General and Captain over sax score and twa men and some mare; Crowner** of Cumberland, North-

* Horse.

† Clock.

‡ Forty bolls of barley.

§ The farm attached to the mansion house.

|| Very big or large chest.

** An officer, to whom it belonged to attach all persons, against whom there was an accusation, in matters pertaining to the crown.

umberland, Murrayland, and Fife; Bailie of Kirkaldie, Governor of Burnt Island and the Bass,* Laird of Libertine, Tilly and Wolly; Siller Tacker† of Sterling, Constable of Leith, and Sir John Lessly, Knight, to the Boot of a' that."

How this negotiation ended we know not. From the mournful tenor of Sir T. R's. petition, there is good reason to suspect, that this pawky loun of a Scot got possession of all the above mentioned objects of his cupidity, and probably many others, without paying for them, the protection which he promised.‡

An accommodation was soon after entered into with Scotland, of which the first preliminary article was, that the counties of Durham and Northumberland, and the town of Newcastle, should be charged with the sum of £850 per day, by weekly payments, for the support of the Scottish army, and that in case these counties were found unable to support the burden, Cumberland and Westmorland should be called on to assist them. The two counties continued under this burden till the conclusion of the definitive treaty with Scotland on the 7th of August, 1641, when government were indebted to the bishopric of Durham in the balance of £25,663 13s. 10d.

The day after the defeat at Newburn, Bishop Morton fled from Durham to his castle at Stockton, and from thence, soon after, to York and London, from whence he never again returned to his diocese. At the same time nearly the whole of the clergy deserted the cathedral, and Dr. Balcanquell, dean of Durham, a Scotchman, who was supposed to be peculiarly obnoxious to his countrymen,

* Two rocks on the coast of Scotland.

† Collector of taxes.

‡ Northumberland and Newcastle Monthly Magazine, vol. i., p. 277.

on account of having penned his majesty's declaration against the Covenanters, fled to Oxford,* and from thence into Wales, where he died at Chirk castle. From this period the see and episcopal government of Durham may be considered as virtually dissolved, for though bishops and deans and chapters were not yet formally voted useless, the whole revenues of the see and cathedral were seized by the Scots, the bishop's officers fled or were displaced, and the administration of the county passed entirely into the hands of the invaders, who were, after no long interval, succeeded by the parliamentary commissioners for treating with the second Scots army, under Leslie. The successful adventure of the Scottish Covenanters was not lost on their friends in England. A regular system of parliamentary encroachment on the prerogative was established; and Charles, equally misjudging and unfortunate in his opposition to popular rights, and in his concessions to popular clamour, saw his authority daily weakened, and his best friends exiled, disgraced, and persecuted, without feeling that his enemies were either satisfied or conciliated. The principle of steady and hereditary loyalty existed, perhaps, nowhere more pure and uncontaminated than in the northern counties; and when, after the stormy session of 1641, the king left his capital in the power of his enemies and threw himself on the fidelity of his northern subjects, the gentry and yeomanry eagerly crowded round the royal standard, to offer their lives and fortunes in support of the crown and the royal person,†

* The precipitate flight of the dean gave rise to a proverb still in use—"Run-away Doctor Bokankie."—*Sharp's Bishopric Garland*, page 74.

† Surtees's *History of Durham*, vol. i., part i., page 97.

In the month of March, 1641, a bill passed the commons for removing the bishops from their seats in parliament, and on the 27th of May following, it passed the house of peers. On the 15th of June, the commons voted, that all deans, deans and chapters, archdeacons, prebendaries, chanters, canons, petty canons, and their officers, shall be utterly abolished ; that all the lands taken from deans and chapters shall be employed to the advancement of learning and piety, provision being made that his majesty be no loser in his rents, first-fruits, and other duties ; and that a competent maintenance shall be made to the several persons concerned, if such persons appear not to be delinquents.*

In August, 1641, the Scottish army having received sixty thousand pounds for disbanding, quitted Newcastle : they were to pass over the Tweed into their own country before the 25th of the same month. King Charles passed through Newcastle on the 10th of August, on his way post to Scotland. Mention occurs of his majesty's return by the same route on the 19th of November following.

In the same year, Thomas Morton, Bishop of Durham, was accused of high treason by the house of commons.

March 22nd, 1642, there is an order of parliament for suppressing tumultuous assemblages of the inhabitants of the county of Durham, who were pulling down enclosures [on the commons and moors].† About the same time advertisements were given out, of dangers from neighbouring princes ; upon which the Earl of Northumberland, Lord Admiral, was commanded to fit out all the Royal Navy for sea, and private owners of ships were persuaded to do the like. Beacons were new made, sea marks set

* Hutchinson's Durham, vol. i., page 505.

† Diurnal Occurrences.

up, and great posting up and down with pacquets ; all symptoms of the ensuing war.*

In November, 1642, the Earl of Newcastle formed the counties of Northumberland, Durham, Cumberland, and Westmorland, and the town of Newcastle, into an association for the king's service. On the 1st of December, the same year, the Earl being ordered to draw his forces towards York, began his march from Newcastle, and next day crossed the Tees at Piercebridge, where Captain Hotham disputed the pass for several hours, with a small party of Fairfax's horse, and two pieces of cannon. In this skirmish Colonel Thomas Howard, of Tursdale, son of Lord William Howard, and several other officers of the royal party were killed. The Earl of Newcastle, after forcing the passage, continued his march to York, whilst Hotham retreated to Lord Fairfax's quarters at Tadcaster; and the county of Durham was not subsequently the scene of any action of importance till the second entry of the Scots army into England in 1644. Previous to this event the town and port of Sunderland, which was rising rapidly into importance, appears to have been garrisoned for the king.† On the 14th of January, 1642-3, "The Lords and Commons assembled in Parliament, taking into their consideration the number of Shippes, and quantity of Money, that is every yeare employed from London and other parts and places in this Kingdome, for the fetching of Coales and Salt from Newcastle, Sunderland, and Blyth; And finding that since the beginning of the pre-

* Whitelocke's Memorials, p. 54.

† William Summerbell, garrison soldier, and Margaret Moody, married June 18, 1642;" again, "Adam Thompson, souldier of the garrison, and Ursula Bee, of this pariah, August 27, 1642."—*Bishopwearmouth Par. Reg.*

sent Troubles, that Towne of Newcastle, being possessed by forces raised against the King, and Parliament, hath beene, and is the Principall In-let of Forreine Ayde, Forces, and Ammunition, for the strengthening of that Force that intends Destruction to the Parliament, and thereby to the Religion, Lawes, and Liberties of this Kingdome; And taking into Consideration, that sufficient Coales be supplied from other Parts, for the use of this Kingdome, doe Declare, that they are inforced, for the safetie of the Kingdome, and for the better hindering of the supporting of the said Forces, and of the reducing of the Towne of Newcastle, and the Parts Adjacent, to yeeld obedience and submission, to the Commands of the two Houses of Parliament, Are constrained for the present, to hinder the repairing of Shippes to Newcastle, Sunderland, and Blyth, lest those Shippes and Money which are intended to procure Fewel, for the supportation of the Kingdome, be improved to give vigour and maintenance to the Warre, raised to the Destruction thereof; For prevention whereof, we the Lords and Commons doe Ordaine, That no Shippe, Shippes, or Barques, shall from henceforwards, make any Voyage for the fetching of Coales, or Salt, from Newcastle, Sunderland, or Blyth, or carrying of Corne, or other provision of Victuall, Vntill that Towne of Newcastle shall be freed of, and from the Forces there now raised, or mainteined against the Parliament, and the Towne be reduced into such hands, and condition, as shall declare themselves for King and Parliament; And the Masters, Owners, and Saylor of Ships, and Barques, are hereby required, not to presume to goe that Voyage contrary to this Ordainance; And it is further Ordained, and Ordered, that if any Ship,

Vessell, or Barque, shall at any time after the first day of February next comming, Import, or bring into any Port or Place in this Kingdome, any Coales or Salt Laden from Newcastle, Sunderland, and Blyth, or any of them, untill further Order be taken by both Houses of Parliament, that every such Ship, Vessell, and Barque, and the Master and Saylor in the same, shall be seized upon, and stayed in such Port and Place where they come in, Vntill the two Houses of Parliament being thereof Informed, shall take further Order and Direction therein."*

On the 3rd May, 1643, Cheapside Cross and other crosses were voted down : and on 28th August following, both houses passed an ordinance for demolishing and removing all monuments of idolatry and superstition out of all churches and chapels in England and Wales.†

Sunderland still retained its loyalty as will appear from the following "Ordinance," dated the 5th June, 1643.

"Whereas the greatest part of this Kingdom, and more especially the City of London and most Maritime towns are served and furnished with Coales from the Town of Newcastle upon Tine, and the adjacent parts of Northumberland, and the Bishopricke of Durham, which being now kept by Forces consisting of Papists and other ill affected persons, under the command of the Earle of Newcastle, the City of London and all the greatest part of this Kingdome are like to suffer very deeply in the want of that Commodity so absolutely necessary to the maintenance and support of life ; and which is like to be of

* A Declaration of the Lords and Commons assembled in Parliament, &c. Printed for John Wright, in the Old Bailey. Jan. 16, 1642.

† Whitelocke's Memorials, pp. 66, 68.

very dangerous consequence in the influence which it may have upon the necessities of the meaner sort. And whereas it is also very dangerous to adventure shipping within the command of the Forts there erected, as being subjected to a surprise, and like enough to be made use of against the safety of the Kingdome, if they should make their voyage onely man'd as usually for trade; And how great use hath been made of the port of Newcastle, to the danger of the Kingdome, since it came into the hands of the said Earle is manifest to all. It is therefore hoped that there are none that will be backward to contribute their best assistance towards the reducing of that place, in the recovery whereof all men are interested, and the rather for the opportunity that is now given, if it be speedily undertaken, and effectually prosecuted. And whereas in obedience to an Order of the House of Commons, the Committee of the Navy communicated their opinions in writing to the Lord Major [mayor] of London by what means the said City may be furnished with Coales, with desire that his Lordship would impart the same to the Aldermen of that City, or such other persons as his Lordship should thinke fit, which Writing, with the Petition and Propositions of divers Citizens of London, were read at a Common-Council, held at Guildhall in London, the twentieth of this moneth, where the said Court taking all the premises into their serious consideration, did conceive that this great worke might be effected if both Houses of Parliament should thinke fit to approve of these ensuing propositions. Wherefore the Lords and Commons in Parliament assembled, upon mature deliberation had of the Propositions following, and well approving the good

affections of the City of London to the publique service, and of all such other well affected persons as shall subscribe and pay in any considerable summe of money according to the ensuing Propositions, for and towards this great and necessary undertaking, doe Order and Ordaine in manner and forme following: And first the House of Commons doe consent to nominate ten of their owne Members, and the Lords and Commons doe order and ordaine, that the Common-Councell of London shall nominate a like number for the City, to be as a Committee joyntly to mannage all affaires touching this Adventure, and to call to their Assistance in this service such of the out-Ports or others as they shall thinke fit.

"2. That the said Committee so to be nominated shall have power to make Sub-committees among themselves, and to give them such instructions as they shall thinke fit, being pursuant and agreeable to these Propositions, and to prepare bookes for such subscriptions, to appoint persons from time to time in all places to take the same, and to receive all such moneys as shall be subscribed and payd in according to such subscriptions, and to returne or issue out the same to such persons, and in such manner as the said Committee, or the greater number of them shall direct.

"3. That all moneys to be advanced upon these Propositions shall be paid to such Treasurers as the said Committee shall appoint, and shall be onely employed by the said Committee for the reducing of the said Town of Newcastle, and the said parts adjacent till the same be effected, and to none other purpose whatsoever.

"4. That they shal be accountable to such persons as shal be appointed by both Houses; That every Owner or

Master, of, or in any Ship or Ships trading for Coles, Salt, or Glasse, to the Towns of Newcastle, Sunderland or Blith; or to any place adjacent now under the power of the E. of Newcastle, & not subscribing one half of his stock which he hath in any such Shippe or Ships, to these Propositions within one moneth after these Propositions shall be agreed upon by the Lords and Commons in Parliament, shall pay to the persons to be appointed by the said Committee to receive the same, for every Chaldron of Coales he shall so buy there, the sum of foure shillings, and for every weigh of Salt two shillings, and for every case of Glasse one shilling more then shall be paid by any Adventurer that shall buy there any of the said Commodities of Coales, Salt, or Glasse; The said payments to be made to the use of the Adventurers upon Accounts, and to continue till the said Adventurers shall be reimbursed, according to the ensuing propositions, and no longer.

“5. That ever person within the said City of London, or ten miles thereof, or within such of the out-Ports or Cities, or dwelling upon any navigable River, or within five miles of any of them which have or shall have their Coals from any of the said Towns of Newcastle, Sunderland, Blith, or places adjacent, which shall not subscribe to these Propositions within one moneth after the same shall be agreed upon by both Houses of Parliament, a summe of money at least proportionable to the Coals he annually expends in his house in the judgement of the said Committee (such as are not Subsidie-men onely excepted) shall pay ten shillings for every Chaldron of Coals more then others shall pay that doe subscribe, the same payments to bee made and collected to the use of the Adven-

turers upon accompt, in such manner as the said Committee shall appoint, and to continue untill the said Adventurers shall be reimbursed according to the ensuing Propositions, and no longer.

“ 6. That if any Subscriber shall use any fraudulent or indirect means to furnish any other person with Coals, that shall not subscribe within the time before limited, such Subscriber shall forfeit the benefit of his own Subscription, and both parties shall be liable to such further punishment as shall be inflicted by both Houses of Parliament.

“ 7. That no person shall be permitted to sell Coals in London, or any other port or place, which is or shall be furnished with Coals from the said Towns of Newcastle, Sunderland, Blith, and places adjacent, unlesse such as shall subscribe a sum proportionable to their trade, in the judgement of the said Committee.

“ 8. That two parts of the estates of Papists, not Delinquents, and all the estates of such as are declared to bee Delinquents, by the Ordinance of Sequestration within the County of Northumberland, the County and Bishoprick of Durham, and in the Towne and County of Newcastle upon Tyne, shall bee forthwith sequestered, and all such moneys as shall be raised thereby, shall bee also paid to the use of the said Adventurers upon accompt, untill the said Adventurers shall be reimbursed, according to the ensuing propositions, and no longer.

“ 9. That all such Customs, Duties, and Imposts as have beene usually paid, or shall be thought fit to be paid by any Ordinance of Parliament, for Coals, Salt, and Glasse, within the said Towne and County of Newcastle, the said Towne of Sunderland, Blith, and the said parts

adjacent, shall be paid to the use of the said Adventurers upon accompt as aforesaid. That the said Committee shall have power to propound all Officers for the Land-service of this designe to the Lord Generall for his approbation of them, who is hereby desired forthwith to grant Commissions to such Officers so approved of by him, according to the quality of their severall commands.

“10. That the said Committee shall have power to propound all officers for the Sea-service of this designe to the Commissioners of the Admiraltie, and the Earle of Warwick, for their approbation, and the said Earle of Warwick is desired for the present to give Commissions and Instructions to the severall Sea-Officers so approved of according to the nature of their severall Employments.

“11. That all the Forces that shall bee raised by Land and Sea for this Expedition, shall bee ordered and disposed by the said Committee, yet so as the said Land Forces shall be subject to the command and controll of the Lord Generall and the Lord Fairfax, and the Sea Forces subject to the command and controll of the Earle of Warwick, in such manner as shall most conduce to this present Expedition.

“12. That when the said Townes of Newcastle, Sunderland, and Blith, and the parts adjacent, now under the power of the Earle of Newcastle, shall bee freed from that grievous oppression, and reduced under the authority of King and Parliament, then it shall bee lawfull for the said Committee to pay or cause to be paid to every Subscriber, for every twenty shillings which he shall have paid in for this service, one pound sixe shillings and eightpence, in such manner as in the ensuing Article is exprest, and so after that rate for a greater

sum : And for the further encouragement to this Designe, It is ordered and ordained, That untill the said Towns of Newcastle, Sunderland, Blith, and the said parts adjacent bee reduced, the Adventurers shall have Interest at 8 per Cent. for their principall Adventure.

“ 13. That all such persons as within London, or within five miles thereof, shall subscribe and pay in a third part of the sum subscribed within ten dayes after these Propositions shall bee agreed upon by both Houses of Parliament, and another third part within twenty eight dayes of such subscription, and the last third part within fifty sixe dayes after such subscription. And all such persons as in any other Port, City, or Towne, shall subscribe and pay in a third part of the sum subscribed to such persons as shall be appointed by the said Committee to receive the said Subscriptions and Monies within ten dayes after these Propositions shall be delivered to the head Officers or head Officer of such Port, City or Town, and shall pay in the other two parts as aforesaid, shall be repaid their Moneys together with their proceed by equall proportions : And all such persons as shall subscribe after the said space of ten dayes, and pay in their Moneys as aforesaid, shall be paid in such order as they shall subscribe.”*

By these and similar measures the parliament raised funds† sufficient to carry on the war with renewed vigour.

* *An Ordinance with severall Propositions of the Lords and Commons Assembled in Parliament, for the speedy raising of Forces by Sea and Land, to reduce the Town of Newcastle to obedience to the King and Parliament, &c.* Ordered, 5th Jun., 1643, to be forthwith printed and published. London : printed for I. Wright in the Old-bailly, June 8. 1643.

† The parliament were furnished with money by loans upon the public faith, and by the endeavours of sundry ministers, and others : a great quantity of money, plate,

The assistance of the Scottish army (which had to be commanded by Scottish generals subject to the direction of a committee of both kingdoms ; to be paid at the rate of thirty thousand pounds per month, and one hundred thousand pounds in advance) was secured, and the standard of rebellion was again unfurled.

In the month of January, 1644, the Scottish army destined for the assistance of parliament, assembled at Harlaw, in the neighbourhood of Berwick-upon-Tweed.* Their whole force amounted to eighteen thousand foot, and three thousand five hundred horse, commanded by

and ammunition was brought in, even by some poor women, to their wedding rings and bodkins. The king was furnished with moneys from the queen, upon the pawned jewels, and by contributions from the cavalier lords and gentlemen, and a loan from Oxford University.—*Whitelocke's Memorials*, p. 58.

* The following was the allowance made to officers and soldiers, horse and foot, in the Scottish army, for their entertainment on their march, or as they should be quartered in England :—Major of horse, per day, six shillings ; root (route) master, or captain, six shillings ; lieutenant, four shillings ; cornet, two shillings and sixpence ; corporal, quarter-master and trumpeter, eighteen pence ; a trooper, for himself, one shilling ; for every horse-officer, or trooper, for his horse, five sheaves of straw, or a stone of hay, at fourpence, and oats, a measure of three gallons, English, sixpence. Lieutenant colonel of foot, per day, five shillings ; major, four shillings ; captain, three shillings ; lieutenant, two shillings ; ensign, eighteen pence ; quarter-master and serjeant, one shilling ; corporal and drummer, each eightpence ; common soldiers, sixpence ; drivers, same as common soldiers ; and for carriage horse, three pennyworth of straw or hay, and a groat's worth of oats. Officers of dragoons—lieutenant-colonel, per day, six shillings ; major, five shillings ; captain, four shillings ; lieutenant, three shillings ; ensign, two shillings and sixpence ; serjeant, one shilling and fourpence ; corporal, and drummer, tenpence ; dragoon, eightpence, and for his horse, three pennyworth of straw and a groat's worth of oats. *Spalding* gives us the outfit of the soldiers furnished by the burghs, at their expense. " Ilk soldier was furnished with twa sarks, coat, breeks, hose and bonnet, bands and shoone ; a sword and musket, powder and ball, for so many, and other some, a sword and pike, according to order ; and ilk soldier to have six shillings (Scots) every day, for the space of forty days, of loan silver ; ilk twelve of them, a baggage horse, worth fifty pound, a stoup, a pan, a pot for their meat and drink, together with their hire, or levy or loan money ; ilk soldier estimate to ten dollars."—*Troubles in Scotland*, vol. ii., page 150.

the veteran Alexander Leslie (who on the 11th October, 1641, had been created Earl of Leven), who had William Baillie as his lieutenant-general, and David Leslie* major-general of the horse. Some idea of the spirit in which they set out on this Presbyterian Crusade, may be gained from the following curious verses composed about that period, the air of which was played in the van of the army, and seems to have been peculiarly adapted for the bagpipes :—

Leslie's March to Longmaston, or Marston Moor.

March ! march !
 Why the devil do ye na march ?
 Stand to your arms, my lads,
 Fight in good order ;
 Front about, ye musketeers all,
 Till ye come to the English border :
 Stand til't, and fight like men,
 True gospel to maintain.

* David Leslie, a celebrated military commander during the civil wars, was the fifth son of Patrick Leslie, of Pitcairly, commendator of Lindores, by his wife, Lady Jean Stuart, second daughter of Robert, first Earl of Orkney. Of his early life little more is known than that, like many others of his countrymen, he went into the service of Gustavus Adolphus, king of Sweden, where he distinguished himself by his military talents, and attained to the rank of colonel of horse. Returning from the continent at, or shortly after, the commencement of the civil wars, he was appointed major-general to the army that was sent into England under the command of the Earl of Leven, to the assistance of the parliament. On the resignation of that able general, David Leslie was appointed to the chief command of the army raised on behalf of Charles II., after he had accepted the Covenant, and been admitted to the government. After the restoration, he was created, in consideration of his services and sufferings in the royal cause, Lord Newark, by patent dated 31st August, 1661, to him and the heirs male of his body lawfully begotten, with a pension of £500 per annum. His lordship died in the year 1682. He married Jean, daughter of Sir John York, by whom he had a son, David, who succeeded him as Lord Newark, and three daughters ; the eldest of whom, Elizabeth, was married to Archibald Kennedy, of Cullean, and was mother to Susanna, the celebrated Countess of Eglintoun.—*Chambers's Scottish Biographical Dictionary*, vol. iii., pp. 394-8.

The parliament's blythe to see us a' coming :
 When to the kirk we come,
 We'll purge it ilka room,
 Frae popish reliques, and a' sic innovation,
 That a' the world may see
 There's nane in the right but we,
 Of the auld Scottish nation.
Jenny shall wear the hood,
Jocky the sark of God ;
*And the kist-fou of whistles,**
 That mak sic a cleiro,
 Our pipers braw
 Shall hae them a',
 Whate'er come on it :
 Busk up your plaids, my lads !
 Cock up your bonnets !—*Da Capo.*

On Friday, the 19th January, the army crossed the Tweed and entered England ; towards night the committees of both kingdoms sent a trumpeter with a letter to Sir Thomas Glenham, Col. Grey, and the rest of the officers and gentlemen of Northumberland, informing them of their march, and desiring their co-operation. In consequence, a consultation was held at Alnwick on the 22nd, touching the conduct to be pursued by the loyalists ;—Whether, in that extremity, they should lay waste and destroy the country, to prevent its affording shelter or accommodation to the invaders ; return a civil answer to their letter ; or fight the enemy. The Yorkshire officers advised rendering the district a desert, falling back upon the royal army, and transmitting the communication of the committees to his majesty, or at least to the Marquis of Newcastle, the commander-in-chief, with-

* The hatred of the old presbyterians to the organ was, apparently, invincible. It is here vilified with the name of a "chest-full of whistles," as the episcopal chapel at Glasgow was, by the vulgar, opprobriously termed the "whistling kirk."—*Scott's Minstrelsy of the Scottish Border*, vol. iii., p. 150. In May, 1644, a new ordinance passed for abolishing all Popish reliques fixed to tombs, or other places, and all organs, images, &c.—*Whitelocke's Memorials*, p. 83.

out making any reply. The Northumbrian gentlemen, whose estates must have suffered the penalty, would not consent to their county being made desolate, and they wished to return a respectful answer. All were of opinion, that they did not possess the means of resistance in the field ; yet the former obtained, that a harsh reply should be returned, and that the bridge of Alnwick should be fortified, and an attempt made to defend it with the sixteen troops of horse, and two regiments of foot, with some eight Drakes and twenty pieces of ordnance which they got from a Dutch Flee-boat that ran ashore near that place. But a division of the Scottish force, under General Baillie, which had marched from Kelso by Wooler, approaching, Sir Thomas Glenham retreated, without any show of opposition to Newcastle, and the army advanced to Morpeth without any other interruption, except what proceeded from the state of the roads, and the weather. The roads were unformed, and the snow, which had fallen very deep, melted by a thaw, swelled the rivulets to torrents, and overflowed almost the whole level lands, and in their fatiguing and tardy progress, the foot soldiers frequently marched in water, up to the middle, sometimes with it higher.

Coquet island (with the garrison, consisting of the governor and seventy officers and soldiers,* with seven pieces of ordnance and all their ammunition) was taken possession of by the Marquis of Argyle, likewise without opposition ; and General Leslie, after remaining five days at Morpeth, to refresh his troops, advanced upon New-

* Whitelocke estimates their number at about 200. He also tells us the Scots rescued and restored to the owners a great herd of cattle taken away by the king's forces. *Memorials*, p. 77.

castle, which he summoned to surrender, in the name of the committee of both kingdoms, on Saturday, the 3rd of February. The Marquis of Newcastle, who had thrown himself into the town, invigorated the resolution of the garrison, a resolute defiance was returned, and the suburbs of Sandgate set on fire, to attest their determination and prevent the Scots from making their advances under cover. For burning their houses—about a hundred in number—the inhabitants clamoured against the Marquis, who also ordered the firing of all the coal mines; but that was prevented by General Leslie surprising all the boats and vessels.*

Of the movements of the Scottish army, immediately before and after its entry into Sunderland,—a period of our history which has hitherto received little attention at the hands of our local historians,—several particulars are extant, in the shape of letters written by eye-witnesses of, and participators in, the stirring events they narrate. For introducing these interesting memorials of an equally interesting and eventful period, no apology is necessary.

“ Sir,

“ That I may not be wanting to your expectation, and mine own engagements for an account of proceedings here, these may let you understand, that upon Saturday the third of this instant, we came before the town of Newcastle without any opposition, till we came before the town, where the enemy had made up a fort against us; for gaining whereof, my Lord Generall sent forth a party of muskettiers to storm the east side

• Whitelocke's Memorials, p. 78.

of it, and another party to storm the west : they went on with as much courage and resolution as ever any did to so great an attempt, discharging their muskets very courageously in the midst of the greatest disadvantage that could be, being in the open fields, almost fully in the view of their enemy ; the enemy being sheltered with fortifications, and answering our musket shots with shots of cannon and muskets : in which posture they continued till twelve of the clock at night, with the losse onely of Patric English, captain-lieutenant to the Lord Lindsey and 9 common soldiers.

“ Upon our first appearance, the enemy set the Sandgate on fire, and continued burning all that night, and Sunday and Munday all day ; which I believe had been the case of all Northumberland, but that for prevention thereof our army did flee without its feathers, I mean our artillery, and the greatest part of our ammunition. Some of our forces who were quartered upon the east side of Newcastle, about half a flight shot from the water, with the concurrence and advice of the generall of the artillery, seized upon two ships and ten lighters, which are still in their possession.

“ I professe, Sir, I never saw so great willingnesse in any people to adventure themselves upon the greatest hazards that be ordered unto us ; they are impatient that they have nothing to do ; and, which is more admired, the souldiers who were not in readinesse to march with their regiments when they came into this kingdom, come daily up to us in twenties and thirties, without so much as an officer to attend them. I perswade myself, God would not have put such spirits into them, if he had not some great work to be done by them.

“The weather hath been extreme stormy, the ways are unpassable with carriages, and our ammunition hath been long a coming. The uncertainty of the season of the year, and the swelling of the river by sudden rains, makes our passage more difficult. The winds have not served to bring ships with provisions from Scotland, and the country is burnt and wasted in many places; notwithstanding all which difficulties, or what other may fall out, resting in confidence upon the Lords wonted mercy, we are resolved to set forward.

“The enemy burn and spoyle what they can reach on this side Tyne, especially corn; at which work a squadron of our horse, about 15 men, with whom other ten accidentally joyned, fell upon 100 muskettiers of the enemy sent from Tinmouth for that service, killed 14 or 15 of them, and took prisoners 50; whereof the Generall kept onely 2, and sent 48 into Newcastle; and the Marquesse sent back 7 or 8 of ours who were caught stragling. The gentleman who gave this defeat, is the Earl of Eglington's major; his name is Montgomery.

“Monday morning early the 19th of this instant, 2 regiments of horse of the Scottish army, in which were 15 troupes under the command of the Lord Balgoney, the Generall's son, and the Lord Kirkudbright, lying at Corbridge two miles from Hexham, had an alarme given them by 25 troupes of the enemy, under the command of Sir Marmaduke Langdale and Colonel Fenwick, who had also waiting on them three or 400 muskettiers, which the other troupes wanted. Both parties drew up betwixt Corbridge and Hexham; and Ballantyne lieutenant colonell to the generall's regiment, charged the enemy and made them give way with losse, and so the

second time, and had taken above 100 prisoners, but not satisfied with that, gave a third charge, which drave them to their musquettiers which were placed behind them, and being thus engaged with horse and foot, our troupes were disordered and had a very strait retreat through a gap, where some men were lost, but the enemy pursued not far, for they were as I suppose, loath to engage beyond their foot notwithstanding their advantage. Our men wheeling in that disorder, were met by Colonell Robert Brandling, with ten troupes more, who crossed the water below Corbridge, and was to have fallen upon the reere of our men, but it fell out to be the front in their returne. Brandling forwardly rode out before his troupes to exchange a pistoll, and one lievtenant Elliot rode up to him, and when they had discharged each at other, and were wheeling about to draw their swords, Brandling's horse stumbled, and the lievtenant was so neere him as to pull him off his horse, which when his men perceived they retreated, which gave courage to our men to fall on, which they did, and drove them over the river againe, killed some, and forced others through the water hastily, that there were some of them drowned, and thus was the day divided. We cannot yet perfectly understand the losse on each side, but the numbers were something equall of the slaine; there were about 60 men killed upon the place. We have lost Major Agnew, Captain Forbes, a cornet, and I heare of no other officers; tis not certaine whether they are killed or taken. We have taken Colonell Brandling, one lievtenant, none else of note.

“ Thus have you a broken account of a broken busines, but as neere the truth as my best enquiry and under-

standing can attaine, I hope wee shall make good use of it, and not catch cold after this heat. I trust it wil make us more watchfull and confident in God, whose great providence it was, that we were not wholly cut off, considering the inequality of the number, that the enemy had here the chiefest of his strength, and had been so carefull in the surprise as to provide 10 troupes to fall upon our reere, which was miscarried by their colonells over forwardness to a single combat. We are upon moving, but the fruits of it you must expect hereafter, that is, as soone as I have opportunity. This skirmish is likely to grow up into a great victory before it come to Oxford, but you may safely contradict it upon these terms, so I rest,

Yours faithfully."*

The situation of the Scottish army, however, became exceedingly critical, they found they could make no impression upon Newcastle, before which they had lain a fortnight; their provisions were running short, and their spirits declining for want of employment, therefore, says an eye-witness of the facts recorded, "It being resolved, as most conduceable to our affairs, that the Army should passe the river of Tyne, leaving behinde on the north side 6 regiments, viz., the Earl of Marshals, Lord Coupers, Sinclars, Gasks, Wedderburne, and Kelheads, and some troupes of horse under the command of Gen. Major Sir James Lumsdail [Lumsden].

"Upon Thursday the 22nd of February, we marched from our quarters neer Newcastle, to Heddon-on-the-Wall, some four miles up the river, and all that night lay

* *A faithfull relation of the late occurrences and proceedings of the Scottish Army: Dated from His Excellencies the Lord Generall Lesley's quarters before Newcastle, 21 February, 1644. London: printed for Robert Bostock & Samuel Gellibrand, dwelling in Paul's Churchyard, 1644.*

in the fields, almost in the very same place where we quartered the night before our crossing Tyne at Newburne in the last expedition : which passage the enemy had now fortified, not onely upon the river side, but above, neer the top of the hill.

“ Upon the 23 day, we marched forward, and were quartered along the river side, from Ovinghame to Corbridge, about two miles distant from Hexham. Upon the other side appeared some of the enemies horse marching towards us ; but about midnight, their regiments of horse that were at Hexham marched thence, leaving behinde them Major Agnew (who had formerly been taken in the skirmish at Corbridge) for a safe-guard to the house of Colonell Fenwicke, who had used him courteously. The Lord's providence was very observable, in vouchsafeing two fair dayes upon us in our march ; the day preceding our march being very snowie, and a terrible storm of drift and snow ensuing the day after.

“ Upon Wednesday the 28, we passed Tyne, without any opposition, at three severall foords, Ovingham, Bywell, and Eltringham, betwixt these two the foot wading very deep and that night quartered in villages neer the river. The Lord's providence was as observable in that nick of time we passed the river, which for eight dayes after had been impossible for us to have done, in respect of the swelling of the river by the melting of the snow. When we had passed Tyne, we marched to the water of Derwent, where we found an impetuous flood, and still waxing so, that there was no possibility for our foot to march over, but at a narrow tree-bridge neer Ebchester ; where the half of our foot marched over the bridge by files, the other half stayed on the other side till the next

day; so that the whole army was necessitated to quarter all that night in the fields. Upon Friday, the rest of the army came over, and we directed our march towards Sunderland, being the fittest place for receiving of intelligence, and supplying our army. The day was very cold, and in the afternoon came on a thick rainy mist; notwithstanding whereof, we came within a mile of Chester on the Street.

"Upon Saturday, March 2, we passed Wear at the new bridge,* near Lumley Castle; the enemy showing themselves in a body upon a hill toward Newcastle, about two miles distant from us. We quartered that night at Herrington, and the villages adjacent, where we did rest all the Lord's day, and entered Sunderland † upon Monday,

* This is the county bridge over the river Wear, still known as the New Bridge, or Chester New Bridge, at the north end of Lumley Park, and opposite to the gateway of the south entrance of Lambton Park.

† The writer of a curious little work called "England's Worthies," tells us that Lealie "took Sunderland, a usefull and strong garrison'd place, with all the armes and ammunition therein;" and Ricraft, in his "Survey of England's Champions and Truth's Faithfull Patriots," adds, that his excellency, after taking Morpeth, &c., marched forward "and takes Sunderland, with great store of Ammunition." The following letter, written most probably by an officer of the Scottish army, deserves a place in this work, inasmuch as it describes some particulars not noticed by those writers whose narrative we have adopted in the text.

"Sir,

"It hath not been want of good-will, but of leisure and opportunity to accomplish my promise, whereto I obliged myself when I parted with you: I wish you knew how often I have fancied thankfulness to you in my minde, for that great favour I found from you, but a stranger to me: Pardon my inability hitherto, and accept of this inclosed Account of the condition of this army, and of the affaires of it. I am put into much hastinesse, otherwise I might add much of circumstances, and relations of sundry other matters. For the present you may know that we are masters of a vast quantity of coals belonging to this Port, most of it appertaining to Delinquents, which wil be (I hope) a comfortable supply to London. But if you have any friends that intend hither for Coales, advise them to bring some provisions for the army, especially six-shillings Beer, Hay, or Oates. The army is

the 4 of March. All that day, and the day following,

this day marched towards the enemy at Duresme [Durham], and his Excellencie intends to visite them if they will stay by it ; The English Commissioners intend to remaine here till it please God we can get Newcastle, which by God's blessing, either when the Enemy's armie now in the field is defeated, or the weather a little warmer, will be suddenly.

Sir, I am,

Your very affectionate friend,

W. B."

"Sunderland, March 12, 1643.

"An exact Account of the Scots passing over the river Tyne, taking of Sunderland, and other Proceedings : With the present condition of the Scots Army : From the 27 of February till the 12 of March, 1643.

"It being resolved as most conducible to our affaires, that the greatest part of this armie should passe the river Tyne, that so we might the better understand, what course the enemy meant to take, and doe accordingly. On the 28 Febr. with 15 regiments of Foot, and 6 regiments of horse, we passed the river Tyne at severall fordes near Bywell and Ovingham, which if wee had not done that day, the sudden alteration of the weather had made it for some time impossible to us, leaving behind 5 regiments of foot, and some troops of Horse, under command of Sir James Lumsdaine, Generall Major of the forces on the other side Tyne. After we had passed Tyne, we found the river of Darwen so high by the sudden thaw, that onely half of the Armie could passe it on Thursday, the other part being forced to stay till Friday, when they also passed over with the Carriages, and so we directed our march toward Sunderland, it being very necessary for supply of the armie, and receiving intelligence, that wee should have that haven secured, near which we came on Saturday night, March the second : and resting the Lord's day, the enemy crossed the river and left it, so we entered on Monday without striking one blow.

"In this march from Tyne to Sunderland, notwithstanding the many straight and disadvantageous passages (which were so narrow, that sometimes the people were constrained to march one by one, as in a string ; and if God had given our enemies hearts, we might either have beene cut in pieces, or stopped) but we found no opposition from the enemy, and scarcely obtained a sight of them, onely a body of horse appeared upon our reare, at our passing over the river of Weare, at New-Bridge, but interrupted us not. We remained in our quarters on Munday and Tuesday, taking what care wee could for supply of provisions in this enemies country, for so we finde it, not receiving any intelligence or willing supply from them. But it is no wonder wee finde not many friends when there are so few men, the whole country being in armes, either willingly or forcedly : so great a power hath the Cathedrall here. On Wednesday, the sixth of March, the enemy having united their forces, and received an accession of strength by Sir Charles Lucas, who brought 21 troopes from Yorkeshire, and 1500 foote from Cumberland, they drew their forces to a place about two or three miles to the west of Sunderland, and

was spent in taking care to supply the army with pro-

shewed themselves upon the top of Worme Hill. This army was accordingly drawn forth; and both lay at about half a miles distance, on Wednesday night in the fields, on Thursday morning they were againe drawne up something nearer, the enemy still keeping to the advantage of his ground upon the hill, so that notwithstanding the nearness of some part of both armies, being not above a quarter of a mile distant, we could not without very great disadvantage engage this army, in regard of the impassable hedges and ditches betwixt us, so that likewise after the armies had faced each other that day, they remained in the fields that night also. On Friday morning some little skirmishes there was, betwixt some small parties of horse, wherein that little advantage that was, fell to us, taking some few prisoners, by whom wee understood, that they had on Thursday night drawn off their cannon, and withdrawne their foote, and left a full body of horse which faced us in the morning till about tenne of the clocke, and then taking the advantage of a very thicke storme of snow, which lasted two or three houres (and in as sore a manner sure as ever was seene) marched away, and this army, through the illnesse of the weather and wayes, rendered incapable of pursuing, they also having so great a strength of horse in the reare, and we not supplied with provisions to march: whereupon on Friday night this army returned to their quarters. We since understand by good hands, that the enemies lying in the field two nights, was almost as bad as a battle to them, many of their men and horse dying, but more running away. Wee likewise sustained some little loss by the extremity of the weather, but nothing neere theirs. Wee heare they lost eight hundred horse one way or other these two nights.

"They are now in Durham, and this army as yet about Sunderland; onely seven regiments are (for the enlarging the quarters by reason of the want of provision) on the north side of the river Weare, toward Newcastle.

"The enemy on Friday night cut the New-Bridge [near Lumley Park], but it can be little disadvantage to this army, which (being now supplied with some provisions, which came happily yesterday in two ships with meale from Scotland, and Captain Carres ship of Cheese and Butter from London) will march to-morrow, being the 12 of March, upon some designe not certainly knowne by any but the chief commanders. The Lord go along with them!"—*An Exact Relation of the last Newses from the quarters of His Excellency, the Lord Generall of the Scottish Army.* Dated from Sunderland, March 12, 1643-4. Printed for L. Blaixlock, and are to be sold at his shop neere Temple-Barre, 1644.

Down to the year 1795, the remains of the Scottish camp were visible in the west part of the Pann-field—the ground lying between Pann-lane and the Rectory-park, on the north side of the High Street, now covered by Castle, Dunning, Queen, Cumberland, Green, Streets, &c., and which was formerly known as the West Pann-field. In 1795, the ground was levelled, preparatory to being built upon. Two trenches and mounds of earth, called the "big dyke" and "little dyke," then partially existed, commencing from near the site of the Crown and Sceptre Inn, occupied by Mr. Thomas Bewick, 235, High Street, Bishopwearmouth, and running in a direct line to nearly the north end of Lambton Street, from whence they were traceable to

visions ; which we obtained with no small difficulty, being the enemies countrey, for so we may call it, the greatest part of the whole countrey being either willingly or forcedly in arms against the Parliament, and afford us no manner of supply, but what they part with against their wills.

“ Upon Wednesday, the enemies forces of Durham and Newcastle being joyned, and likewise strengthened by the accession of 12 troops of horse from Yorkshire, under the command of Sir Charles Lucas, being supposed to be about 14,000 horse and foot, did show themselves upon the top of a hill about three miles distant from Sunderland. Such of our army as could be presently advertised, were drawn up within half a mile of them, and continued all that night (though it were very cold and snowing) in the fields.

“ Upon Thursday the 7, the enemy drew up their forces upon a height about two short miles from us ; but the snow fell in such abundance, that nothing could be done till the middle of the day, that it was fair ; at which time we advanced towards them, and they marched northwards, as is conceived to gain the winde. Both armies were drawn up in battell, the enemy having the advantage of the ground ; but we could not without very great disadvantage engage our armie, in regard of the unpassable ditches and hedges betwixt us. Both armies faced

near the site of the shop now occupied by Messrs. William Young and Henry Proud, linen and woollen drapers, 125, High Street, Bishopwearmouth. At the date of this encampment, the moors and commons in Bishopwearmouth were unenclosed, and on part of them was the camp, which had extended considerably to the south of the High Street. About the year 1815, when the late Mr. John Vaux, of the Borough Road, was excavating the foundation of his house, now occupied by Mr. Thomas Weighill, linen and woollen draper, 223, High Street, a cannon-ball was found buried in the earth : this was probably a relic of the camp. Another

each other till the setting of the sun, at which time the enemy retreated, and we kept the ground till the next morning in a very cold night.

"Upon Friday the 8, in the morning, there was some little skirmishing betwixt some small parties of horse, wherein the advantage that was, fell upon our side : three or four were killed on either side ; we took divers prisoners, by whom we understood that many of theirs were

memorial of the Scottish camp may be gathered from the following extract from the rolls of the manor of Houghton, in the Halmote Court Office, Durham, relating to the Highways and Private Ways over the copyhold lands in the township of Bishopwearmouth.

"At a Halmote Court [of Nathaniel Lord Crewe, Lord Bishop of Durham], held at Houghton-le-Spring, the 7th day of May, 27 Charles II. [1676], before John Jefferson, Esq., steward, the jurors for the said township [Bishopwearmouth], present, [were] John Shepperdson, Junr., Thomas Atkinson, John Atkinson, John Unthank," who, in addition to the usual business of the court, made "a Note or List of all the King's Highways within the said township," and, after describing those leading from Ryhope, Tunstall, Durham, and Newcastle (by the Mill Lane or Hylton Road), go on to describe :—

6th. Another [king's highway], leading from any of the abovesaid [king's high] ways [after their junction near Bishopwearmouth church], by the blewstone in Sunderland Loaning, by the fforts, by the prick hill, close by the side of Mr. Walter Ettrick's stone wall at Sunderland Lee end, and close by the Lee ends, all the way to Leadgate Lane in Sunderland."

The king's highway, above described, is now the High Street of Bishopwearmouth, from the Church Bank on the west to Sans Street on the east. It would appear that a road partially or wholly existed upon its route, in or previous to the year 1675, known as "Sunderland Loaning," which passed through the site of the Scottish camp, between "Panne Loaning" [Lane], and Sunniaside, "by the fforts," or redoubts, which had been erected by the Scotch, to protect their camp from the attack of the royalists on its three land sides—its most vulnerable points. On the north or river side, the position of the Scotch was naturally strong, overlooking from the steep and craggy bank of the Wear, the shoal named the "Pann Sand," which rendered it impossible for ships to approach to attack the camp, and made only navigable for keels or lighters in spring tides. The ground on the north, or Monkwearmouth-Shore side of the river, was then low and flat, previous to the formation of the ballast hills, upon which Howick Street, Charles Street, &c. &c. are built, which left the Scotch unassailable and beyond the range of the artillery of that day.

wounded. Our commanded muskettiers and horse advanced, and gained the ground where the enemy stood the day preceding. The enemy still retired, and, as appeared, with a purpose to retire altogether; for they fired the neerest villages, and retired under the smoke thereof. Our commanded men advanced nearer the height, the enemy giving ground all the time. We had resolved to fall upon their rere; but there came suddenly a great storm of snow, which continued for an hour, so that we could not see the enemy: and before we could discover them again, it began to snow again, and continued snowing till night, which opportunity the enemy made use of, and marched away in great haste to Durham.

“We understand since from very good hands, that through the extremetie of the weather these two nights (the enemy lay in fields, and there hastened march to Durham), they have suffered great losse, many of their men and horse dying, but more run away. We hear they have lost of their horse 800, besides the losse of their foot; we sustained some losse, but blessed be God, no wayes considerable.

“This day the army is marching towards Durham, ready to do as occasion shall offer; leaving two regiments at Sunderland, for the securitie of that place.

“Our army hath been in very great straits, for want of victuall and provisions. The enemy hath wasted and spoyled all the countrey, and driven all away before them. And five Barques sent from Scotland to us, with provisions are lost, three of them perished, and two of them were driven into the Tyne by extremity of weather, and seized on by the enemy; so that sometimes the whole army hath been ready to starve, having neither

meat nor drink: we never have above twenty and four hours provisions for them. But these impediments and difficulties, or what may hereafter fall out, we are fully confident by God's assistance, shall never abate in the least sort: Our constant resolutions and endeavours for promoting so good a cause, as the vindication of these kingdoms from Popery and Tyranny, and the establishment of a thorough Reformation of Religion, which will be the surest and firmest foundation of a just and safe peace; a recompense for all our sufferings, and the best means of a more happy and neer conjunction of both kingdoms, which shall ever be the earnest desire and endeavour of

"Your very loving Friend and Servant.*

"From our Quarters at

"Sunderland, 12 March, 1644."

The writer of this interesting communication, who appears to have been connected with the Scottish army, penned another letter which we shall now lay before our readers.

"Sir,

"Since my last, of the 12th, to my best observation and remembrance, the motions and successes of this army have been these;—

"On the 13th, for the enlargement of our quarters, and to straighten the enemy, wee drew towards Durham; but

* *The late proceedings of the Scottish Army, certifying their passing over Tyne; with the particulars. Together with their possession of Sunderland, and their advance after the enemy, who is fled to Durham. Sent by an expresse, from His Excellency the Lord Generall Lesley his Quarters, and dated at Sunderland, March 12. London, Printed for Robert Bostock and Samuel Gellibrand, dwelling in Pauls Churchyard. March 21, 1644. Numb. 4.*

after wee had tarried there so long as our horse provisions lasted, not being willing to remove further, till Sunderland, a place of so great consequence to us, were better fortified. We returned thither, and quartered the army on the north side of the river of Wear, towards Newcastle, at the Shields; in this march wee saw no enemy.

“ On the 15th, at night, a party was commanded out to assault the fort upon the south side Tyne, over against Tinemouth Castle, which they did, but with no successe, though with little losse. After we had considered of this repulse two or three dayes, and fasted on the nineteenth, the fort was againe assaulted by another party, for the encouragement of which the Generall went with them in person; and on the 20th, being Wednesday, in the morning, we took it, with the losse of nine men, the hurt of more. In it wee found five peeces of iron ordnance, seven barreles of powder, 70 muskets: the men escaped in the dark to the water side, where boats received them, only the lieutenant and foure or 5 more were taken prisoners. This fort was commanded by one Captaine Chapman, an inhabitant of the South Shields. I went that day to see the fort; my own judgement in such cases is nothing worth, but others thought it a difficult peece, and I confesse I wondered much to see it taken on that manner.

“ The same day lievtenant-colonell Ballantine brought away a troop of horse from Chester, which he there wholly surprised, and took the guards last, they were to the number of fourty. On the 22, understanding there were some ships laden with coales and salt in the river Tyne, about the Shields, we sent a party, who, with the

help of some keel-men and seamen, drew the ships to this side ; so that for the present they are under the power of this army, which hath the south fort Shields.

“ All this time we were in great difficulty what to doe without horse, our foot being reasonably well supplied by sea ; if our horse stayed they must starve, if they went away without our foot, the enemy being so near with an army so strong in horse, it was hazardous when wee should meet, if our foot went with them it was to lose the advantage of their supply by sea, the land not affording provisions.

“ The enemy decides this debate, and on the 23 of this instant, drew up their army from Durham, and thereabout, towards Chester ; and on the 24, being the Lord's day, drew up on the north side of Wear, at a place called Hylton, two miles and a halfe from Sunderland, the same distance as when they faced us before, only this is on the north side Wear, the other on the south. We accordingly drew up on a hill east from them, towards the sea. Our canon were at Sunderland, our head quarter ; but by the help of the seamen lying in the haven, wee conveyed one great peece over the water, who themselves drew it up to the field where it was to be planted : the tide failed for carrying the rest at that time, some small field peeces wee had. After the armies had faced each other most part of that day, toward night about five a clock, the cannon began to play, which they bestowed freely, though to little purpose ; and with all the commanded foot fell to it to drive one another from their hedges, and continued shooting till eleven at night, in which time we gained some ground, some barrels of gunpowder, and ball and match. Wee lost few men, had more

hurt and wounded ; among whom no officer of note hurt with danger, but the lievtenant-colonell of the Lord Lothian's regiment. What their losse was is yet uncertain to us ; but we know they had more slaine, as wee finde, being masters of their ground.

" This morning, being the 25, they were faceinge each other, but the ground they possesse inaccessible by us, without great disadvantage, in regard of the many hedges and ditches betwixt. What the event of this meeting will be I do not know, nor will not guesse ; hitherto hath the Lord helped us. Our men are cheerfull, our hopes good

" Sir James Lumsdaine came over to us very opportunely, with a brigade of three thousand of the forces we had left in Northumberland, the 23 of this instant, which hee now commands in the field.

" The words given out on both parts were these :—

On ours,

" *The Lord of Hosts is with us.*"

On theirs,

" *Now or Never.*"

" Captain Lawson and Captain Newton have taken a prize in Tees, laden with cloth and lead.

" I thought to have added something more, but the present dispatch of this messenger causes me haste !"*

Newcastle being stoutly and loyally defended for the king, the possession of Sunderland—the upstart artificial

* *A True relation of the Proceedings of the Scottish Army, from the 12th of March to the 26th, dated from His Excellency the Lord Generall Lesley's Quarters, neare Sunderland, March 25, 1644. London : printed for Robert Bostock & Samuel Gellibrand, dwelling in Paul's Churchyard, 1644. No. 6.*

harbour of Sunderland, as Collier calls it*—by the Scots, was of the utmost importance to the parliamentary party, by which means a supply of coals were had for London, which before was in great want of them.† The coal trade of the Tyne was virtually closed against the rebellious city of London: the Marquis of Newcastle, then in possession of that town, having, as Rushworth informs us, prohibited the exportation of coals to that city, on account of the citizens' disobedience to his majesty,‡ whilst on the other hand, seven of the parliament's frigates were

* Speaking of the disadvantages of charters in general, and of those of Newcastle-upon-Tyne in particular, this humorous writer observes, " Their [Newcastle] natural advantages for manufacturing materials, are far superior either to Manchester, Birmingham, Leeds, or Halifax: they have a better natural harbour than Liverpool, and as near the sea as Bristol, and had the advantage of some little seeds of commerce strewn in their precincts some centuries sooner than most of these towns, yet they do not rival the first in their manufactures, and are shamefully excelled by the latter in their commerce abroad, and improvements at home; and what is still more disgraceful, are going to be beaten at their own weapons—the COAL TRADE itself! by the upstart artificial harbour of Sunderland, and the liliputian creeks of Blyth and Hartley. Whithy has filched away their shipbuilding [this was in 1777: had our author flourished now, he might with justice have added Sunderland]; Berwick has robbed them of their salmon fishery; and Durham (even the antiquated city of Durham), which never could rise higher than the petticoat of an old maid, or top of a mustard pot, has of late—to their honour be it spoken—ventured to set their poor at work, and start a manufactory of wool [still carried on by Messrs. W. & J. Henderson], while our lower classes of females and children, and even the males, during a hard frost, absence of ships, or roughness of weather, stand starving, begging or stealing for want of some such employment; and not having been taught the value of time, nor tasted the sweets of industry when young, they wallow in the two extremes of poverty and filth: excess and extravagance in their middle age, become useless and chargeable in their old. Their wives are dirty, shiftless and indolent; their children lazy, ragged and thievish; themselves rude, saucy and debauched; their parents uncomfortable to themselves, useless to their families and a burthen to the public; and thus our streets swarm with beggars, our alehouses crowded with sots, and our parishes saddled unmercifully with poor." — *Collier's Essay on Charters*, p. 94.

† Whitelocke's Memorials, p. 80.

‡ Historical Collections, part 3, vol. 2, p. 770.

stationed off the mouth of the river, to prevent the escape of the royalists by sea :* thus, between the contending parties, was an embargo laid upon that great trade of the district which, as Grey truly observes, "hath made this part to flourish in all trades."† Under these circumstances, it was principally to the collieries upon the Wear to which the popular party looked for a supply of fuel, to encourage which an order was passed for trade to Sunderland and Blyth.‡

During the month of April, the royal and Scottish forces often faced each other, and had some small rencounters in the neighbourhood of Sunderland.§ "[The Marquis of] Newcastle's rage being risen, drawes up his whole army, as intending to give battell to the Earle of Leven, but no sooner did he draw up, but Newcastle's popish ragged regiments ran away, and our brethren of Scotland marched forward, and tooke the strong garrisons of Durham and Lomby [Lumley], April 13, 14, & 15, 1644, with all the armes and ammunition."||

Notwithstanding it passed so ingloriously into the hands of the invaders, without so much as a single blow being struck, Sunderland still retained some sympathisers with their lawful, though despotic, double dealing, misguided, and unfortunate sovereign, so that the precautionary measures, alluded to by the writer of the above letters, were not taken in vain ; for "by combination between the mayor of Newcastle and the governor of the South Shields for the parliament, they [i.e. South Shields]

* Whitlocke's Memorials, p. 78.

† Chorographia, or a Survey of Newcastle upon Tine, p. 37. (Rep. 1818).

‡ Whitlocke's Memorials, p. 80. § Ibid. p. 81.

Ricraft's Survey, pp. 10, 134.

were betrayed to the king's forces. The seamen, discovering a plot to betray Sunderland, put themselves in arms, planted two pieces of ordnance, and secured the town: for which service the parliament gave them £200, and ordered the captain that betrayed the South Shields to be tried for it by a council of war."* This was during the month of May or the beginning of June; shortly after which "Colonel Charles Fairfax was sent to assist the Scots party at Sunderland, who beat back the Earl of Montrose, Musgrave and the rest into Newcastle."† The parliamentary party were equally active at sea, where, under the Earl of Warwick, the wooden walls of Old England performed most effective service. "The Endeavour a great ship [being] taken going to the king, with three more neere Sunderland in March, 1644,"‡ and "in July a ship loaden with arms and ammunition for the king, was taken, and brought into Sunderland, with 22 pieces of ordnance in her."§

To these minute and interesting details of the movements of the Scottish army in the neighbourhood of Sunderland as related by co-temporaneous writers, we make no apology for introducing the following letter, detailing with extraordinary fulness the construction of the fort at South Shields, and the particulars of its capture; the skirmish between the Scots and the royal forces under the Marquis of Newcastle, near Hylton, &c.

"Sir,

"I acknowledge the communication of intelligence betwixt us hath failed upon my part for some short

* Whitlocke's Memorials, p. 85. † Ibid, p. 88.

‡ Ricraft's Survey of England's Champions, p. 18.

§ Whitlocke's Memorials, p. 92.

time, but against my will; and that you may understand it did not proceed from unwillingnesse to perform that duty I owe to you, I send you here a short and true relation of what hath passed since my last letter.

“Upon Saturday, the 16 of March, some commanded men in the morning, about the spring of day, were to have assaulted the fort at South Shields upon Tyne, but fearing too much the danger and difficulty, they returned without doing anything. Upon Tuesday, the 19, wee kept a solemne fast through the army, and it pleased God the next morning to shew us a token of his favour: a party not so strong as the former, was sent to storme the fort there being no other way of taking it. Col. Stewart, Col. Lyell, Lieutenant Col. Bruce, and Lieutenant Col. Jonston, with some inferior officers, led on the party; the fort was very strong, the Graffe without being esteemed 12 foot broad, and 11 deepe, the work above ground three yards high, and within it five iron peeces of Ordnance, some nine pound ball, some more, an hundred souldiers, seventy musquetiers, and thirty pike-men. It was situated with great advantage, being defended on the one side by the Ordnance of Tynemouth Castle, and on the other by a Dunkirk Frigot with ten peece of Ordnance; notwithstanding 140 of our souldiers, without any other armes but their swords, carried bundles of straw and sticks, wherewith they filled the ditch, set up the scaling ladders (whereof some did not reach the top of the fort, the ditch not being well filled) and with their swords gave the first assault, then a party of musquetiers, and after them a party of pikes, all marching up till they entered the ditch, where they disputed the matter above an houre, in which time the enemy discharged upon them

28 shot of cannon, some with musquet ball, others with cut lead and iron, beside many musquet shot. Our souldiers did resolutely scale the ladders, and some entered at the gunports: the defendants behaved themselves gallantly till it came to stroke of sword, and then they fled away by water in boates. Sixteen of them were killed, a lieutenant and five souldiers who stood out to the last, were taken, and so we gained the fort, with the peeces, and some barrells of powder, and their colours. The providence of God wonderfully preserved our men, for only seven of them were killed, some few hurt with stones and cut iron, but none deadly, no officer at all killed. Vpon the same day, Lieutenant Col. Ballantine fell upon a party of the enemies horse, at Chester, killed ten of them, and took two Captains of foot, and twenty horsemen; of ours none killed or hurt.

“ Vpon the 23, we took seven ships in the river, whereof two were laden with salt.

“ Upon the 24, being the Lord's day, the enemy marched toward our quarters intending to have set upon us in Sermon time, and being a foggie day to have surprised us; their approach being discovered, a great part of the army was presently drawn together. The enemy sent down from Bouden Hill where they were drawne up, some commanded musquetiers to line the hedges betwixt them and us, and wee did the like, for the armies could not joyn, the field between us being so full of hedges and ditches; our dragoones beganne the play, and then the musquetiers in the hedges upon both sides, our bodies of foot advancing at all quarters to the hedges, the enemies Cannon discharging upon them an houre and a halfe with very small hurt. This service continued very hot, till

after twelve of the clock at night: many officers, who have been old souldiers did affirm they had never seen so long and hot service in the night time; there was divers killed on both sides; but the number of their slaine did verry farre exceed ours, as wee understood by the dead bodies wee found the next day upon their ground, beside the seven waggons draught of dead, and hurt men not able to walk, that the Constable of Bouden [Boldon] affirmed he saw carried away. The enemy quit their ground, where they left much of their powder, match, and armes behind them, and retired to the hill where the body of the army lay.

“The next day the enemy began to retire, but laboured to conceale it from us, causing their men to march about the hill, and casting up two breastworks to plant cannon. In the afternoone, when we understood the certainty of their retreat, we followed them, and their horsemen who had stayed on the hill while their foot marched away, retired more swiftly than an ordinary march, our horse and dragoons marched up the hill, charged them, and routed all that were not passed the ditches; divers of them were killed, and some men of note whom we know not, save one Rutmaster Harrison, and Sir Marmaduke Langdale's Capt. Lieut. Divers taken, amongst whom was Sir Richard Gladill, Lieut. Col., and Sir Francis Steward; there was also a cornet taken, bearing a crown above and a hand and a sword beneath, with this motto, ‘~~What~~ ~~Law~~ cannot, the ~~Sword~~ must mainta~~in~~.’ The night hindred us from doing any further execution upon them. The day following, the enemy (who the day preceding thought it a point of honour to retire in the day, and not in the night) did not appeare, having stollen away in the night time.

“The enemy marching to Durham, it was resolved our army should go to Easington, where wee might intercept the enemies provisions from Hartlepool, enlarge our own quarters and straiten theirs ; where wee stayed till April 8, (having kept a fast the day before) and on that day marched to Quarendon hill neare Durham, intending to force the enemy either to fight or flee, which fell out accordingly ; for having little forrage for his horses, and little store of provisions ; after he had sent for some forces from Lumley castle, and Newcastle, to strengthen his foot, upon the 13 of April hee marched away early in the morning in great haste, leaving behinde him severall provisions ; our horse was at forrage, but having notice of their flight, marched after them with all the expedition could bee, and came on the Lord’s day to Darnton [Darlington].

“The next day the enemy having some advantage in the way, directed his march toward York ; the Generall fearing lest he should have surprised the Lord Fairfax his forces, and either given them a defeat or driven them to a corner, and so get occasion to encrease his forces, sent severall advertisements to them, and so hastened our march, that some of our forces overtook some of the enemies reare, killed and took about 80 of them

“Upon the 17 of this instant, our army came to Wetherby, having suffered much hunger by the way for want of provisions.

“Upon the 18, the Lord Fairfax and Sir Thomas Fairfax came to view our army : and upon the 19 the Generall went to their quarters, and it was resolved that they should meet upon Saturday the 20 at Tadcaster, and march from thence toward York, where the Earl of New-

castle now is, with betwixt four and five thousand horse, and about six thousand foot, for by those who were killed and taken at severall skirmishes in Northumberland, and those that runne away, he is made weaker in his foot about three or foure thousand. Hee lies there at great advantage, having a bridge over the river, and can easily transport his force to either side in a short time : so that for the present wee cannot besiege him on all quarters, for if we should divide our forces, the river being betwixt them, he might fall upon the weakest, who could expect no reliefe from the rest of our forces, but wee intend to make a bridge over the river, of flat boates, and then shall either force him to fight, or make his horse live without forrage. So for the present I rest.*

“ Wetherby, 20 of April, 1644.”

The Scottish and parliamentary armies uniting at Tadcaster on the 20th, proceeded to York, which they immediately invested ; but their numbers were not sufficient to beleaguer the city on both sides, for the Marquis of Newcastle having a powerful cavalry—between four and five thousand—and possession of the bridge, which enabled him to attack them on either quarter, or if they divided their forces, to assail one part with the whole of his, it was judged expedient to order the Earl of Manchester (late Lord Kimbolton) out of the associated counties, to come to their assistance. Manchester, who had raised in the former year an army to co-operate with Cromwell, having joined that daring and skilful officer, appointed him his lieutenant-general, and was now at the

* *The taking of the Fort at South Shields &c.*, detailed in a “ *Letter from Wetherby.*” (Richardson's Reprint.)

head of fourteen thousand men, a force not more distinguished by their gallant exploits than by their excellent discipline. On the 3rd of May, he sat down before Lincoln, and, after some resistance, made himself master of the lower part of the city, the besieged retreating to the minster and castle, on the top of a high hill. On the 7th, between two and three o'clock in the morning, on an appointed signal, six pieces of ordnance being fired at once, an assault was made, and, in spite of a gallant resistance, the works were carried by storm; but on a cry for quarter, in the heat of action, quarter was given. The governor, Sir Francis Fane, with a number of officers, seven hundred foot, and about one hundred horse, were made prisoners. All their ammunition and arms, with six pieces of ordnance, fell into the hands of the victors, whose loss was only eight killed, and about forty wounded.

Encouraged by this success, he opened a communication with the confederated army, by constructing a bridge of boats near Gainsborough, which he fortified, and protected with two regiments of foot. Across the bridge he pushed three thousand horse, to watch, in conjunction with other two thousand dispatched from the Scots and Lord Fairfax, the motions of Sir Charles Lucas, who had been sent out of York by the Marquis of Newcastle, with a strong body of cavalry, to forage in the neighbourhood. With the remainder of his army he advanced, and joined the besiegers. Hitherto York had been under a kind of blockade, and many petty skirmishes had taken place, but now the siege began to be more closely pressed, and new batteries erected to play upon the castle, tower, and town. Nor were the besieged idle; they kept up a brisk

fire upon the enemy's works, and burned the suburbs, after withdrawing the people, that they might not afford them any shelter. Among the transactions of the siege, the Scots distinguished themselves, and with characteristic prudence, in an attack near Meikle-gate-bar, brought away a booty of cattle and horses. The most severe loss which occurred, arose from the misconduct of Crawford, Manchester's major general, who was intrusted with a mine, which he exploded prematurely, and the rest of the army not expecting it at the time, were not prepared to support him in the assault. The breach, though not practicable, was resolutely defended, and the assailants finally repulsed.

All hopes of the besieged depended upon prince Rupert, who had greatly distinguished himself by his relief of Newark, the capture of Longford, and the storming of Bolton, at which last, however, his cruelty formed a striking contrast to the humanity of Manchester. The garrison was not only refused quarter in the town, but for miles round, the savage victors, in outhouses, fields, highways, and woods, put to death the unresisting fugitives. Liverpool also fell into his hands, and the unbridled soldiery were let loose upon the inhabitants, because the governor had wisely secured the military stores. An order from the king brought him from the scene of his victories, to attempt the deliverance of York.

Collecting all the forces he could on his route, and joined by Sir Charles Lucas, and the Marquis of Newcastle, the prince advanced with an army nearly twenty thousand strong. Towards the evening of Sunday, June 30th, the allied generals were first certainly apprized of his approach, and that, on that night, he would halt with-

in about twelve or fourteen miles of their encampment. Instantly adopting the resolution of giving him battle, they raised the siege, and marched with their whole force to Marston moor—a great moor, five miles distant from York, on the south-west side of the Ouse—to intercept his progress, expecting that he would advance by this route; but the prince anxious to relieve the city, caused a party of his horse to amuse the enemy near a bridge, while he dexterously threw himself into it, and brought his army within five miles, on the north-east bank of the river. Having effected his object, the Marquis of Newcastle is said to have advised him to remain satisfied, and wait the issue of the dissensions, which he knew to exist in the enemies' camp, and the arrival of re-enforcements daily expected from the north. Rupert, in answer, told him he had the absolute command of his majesty to engage, and was bound in duty to obey. Whether the prince could have long avoided being brought to an engagement under more disadvantageous circumstances, or whether he judged rashly, in seeking a battle while his army was flushed with victory, and he had the choice of the field, is a question of very little importance, and one upon which we are not now competent to pronounce, had he been successful—and he was very nearly so*—the action might have decided the war, and ranked him among the first generals of his day; that he was not so, does not prove that he acted unskilfully in his manœuvres, or unwisely in his hazard, when the stake was so high.

Disappointed in their expectations, by the adroitness

* When the fate of the day was determined, prince Rupert is reported to have said "I am sure my men fought well, and know no reason of our rout but this, because the devil did help his servants."—*Rushworth*.

of their opponent, the parliamentary army resolved to march to Tadcaster, Cawood and Selby, on purpose to obtain the command of the river, prevent all supplies from the East Riding, intercept his march southward, and hem him in as the Earl of Denbigh, with the Lancashire forces, were advancing from the west. It appears pretty evident, had this plan succeeded, that prince Rupert's army, accustomed as it had been to licentious indulgence, would have perished without a blow. To wait, did not suit the temper of the prince, more than his situation; and on the 2nd of July, 1644, when the combined army were on their march to Tadcaster, the Scots in front, and had arrived within a mile of the town, about nine o'clock in the morning, notice was given, that the van of his army, five thousand horse, had arrived on Marston moor, and pressed hard on their rear, while he was arranging the rest in order of battle. The march of the confederates was immediately countermanded, and orders issued to prepare for an engagement; but the prince had possession of the moor, and they were forced to draw up part of their men in a field of rye adjoining; their right leaned upon the town of Marston, and the line extended about a mile and a half fronting the moor. Between two and three o'clock, both armies were formed, their numbers nearly equal, each being about twenty-five thousand men. The royal army was commanded by Rupert on the right, by Sir Charles Lucas, and Colonel Harvey on the left, which consisted of horse; the centre was under Generals Goring, Porter, and Tilyard—where the Marquis of Newcastle fought, is uncertain. The right wing of the confederates, composed of horse, partly Scottish, was commanded by Sir Thomas

Fairfax ; the left, likewise cavalry, was under the direction of Manchester, and Cromwell, his lieutenant-general, assisted by major-general David Leslie. The centre was led by Lord Fairfax on the right, and the Earl of Leven on the left.* As the prince's line extended in front somewhat beyond theirs, the Scottish dragoons, under Colonel Frizzle, were stationed to secure the left flank. The field word of the prince was *God and the king*, that of his opponents, *God with us*. At three o'clock, the great guns began a distant cannonade, but without much effect. About five they ceased, and both lines being completely formed, an awful stillness succeeded, each in silent, breathless, expectation, waiting the signal of attack ; for a ditch and bank, which intersected the field between the combatants, rendered the first assault on either side, disadvantageous. At last, the Earl of Manchester's foot, and the Scots of the main body, advanced in a running march, cleared the ditch, and came briskly to the charge. The horse then rushed forward to the shock. Prince Rupert in person, with his first division, encountered Cromwell. The conflict was severe and long ; the troopers fought with ardour, hand to hand, under the immediate eye of their leaders, till at last Cromwell's irresistible band, although attacked on front and flank by the flower of the cavaliers, broke through

* The right wing of the parliament was commanded by Sir Thomas Fairfax, and consisted of all his horse, and three regiments of the Scots horse ; the left wing was commanded by the Earl of Manchester and Colonel Cromwell. One body of their foot was commanded by the Lord Fairfax, and consisted of his foot, and two brigades of the Scots foot for a reserve ; and the main body of the rest of the foot was commanded by General Leven. The right wing of the prince's army was commanded by the Earl of Newcastle, the left wing by the prince himself, and the main body commanded by General Goring, Sir Charles Lucas, and major-general Porter.—*Whitelocke's Memorials*, p. 89.

and being nobly seconded by Leslie, the whole of the cavalry in the right wing were put to flight, while Manchester's foot keeping pace with them, went along by their side, cutting down and dispersing the infantry. The Marquis of Newcastle's regiment alone, distinguished by their white uniform, disdained to fly, and their dead bodies covered the space they had occupied while alive.

On the other extremity of the lines, the fortune of the day was reversed, for although Sir Thomas Fairfax and Colonel Lambert,* with five or six troops, charged through the royalist, and reached their own left wing, Harvey succeeded in defeating the remainder. He furiously assaulted Lord Fairfax's brigade, which was thrown into disorder by the new raised regiments, who being put to flight, wheeled back upon it, and not only broke their ranks, and trode down the Scottish reserve,

* Major-General John Lambert, a distinguished parliamentary officer, and one of the regicides, was descended from a very ancient family in Yorkshire. According to the register of Kirkby Malhamdale, he was born at Calton Hall, in that parish, Sept. 7th, 1619, and lost his father at the age of thirteen. On the 10th Sept., 1639, he married Frances, daughter of his neighbour, Sir William Lister, of Thornton, in Craven, then in her 17th year, and said to have been a most elegant and accomplished lady. After the restoration, he was tried (1661), condemned, reprieved and banished to the island of Guernsey, at which place he arrived 17th November, 1661, and where, says Dr. Lingard, "he beguiled the hours of banishment, by the cultivation of two arts, in which he delighted,—those of the florist and the painter." Six years afterwards he was removed to the small fortified island of St. Nicholas, commonly called Drake's Island, situate in Plymouth Sound, at the entrance to the Hamoaze, where he remained a prisoner till his death, which took place, says a writer in *Notes and Queries*, during the hard winter of 1682-3, but according to Dr. Lingard, about the end of March, 1684. John Lambert, son and heir of the major-general, married Barbara, daughter of Thomas Lister, of Arncliffebigging, and had by her three sons, who all died without issue, and one daughter, Frances, sole heiress of her family (buried at Bolam, June 2nd, 1712), who married Sir John Middleton, of Belsay Castle, Northumberland, Bart., father of Sir William Middleton, Bart., M. P., (see pp. 131-144,) and great grandfather of Sir Charles Miles Lambert Monck, Bart.—*Notes and Queries*; *Hodgson's History of Northumberland*; *Lingard's History of England*, &c.

but threw the whole right into such irretrievable confusion, that they left the field, and fled to Tadcaster, carrying with them the news of a total defeat. The others were proceeding to seize the carriages, when Cromwell with his horse, and Manchester's foot, returned from pursuing the prince's right wing, perceiving the disaster of their friends, advanced in good order, to charge the victors, who, observing their approach, gave up the plunder, and prepared to receive them,—both sides not a little surprised to find they must again contend for a prize each imagined they had already won. The face of the field was now exactly counterchanged, and each army occupied the ground which had been possessed by the enemy at the beginning of the day. The royalists marched intrepidly from the rye field, out of which they had driven their opponents, to attack the parliamentary troops, who were ranged on the moor. The second encounter was deep and bloody, but short and decisive. Before ten o'clock the united army was triumphant, and the shattered remains of the royalist sought refuge in York. The whole baggage, artillery, and military stores, with above a hundred stand of colours, fell into the hands of the conquerors, besides fifteen hundred soldiers, prisoners, and about a hundred officers, among whom were Sir Charles Lucas, Generals Porter and Tilyard, and Lord Goring's son. They estimated their own loss about three hundred, and that of the royalists at upwards of three thousand buried in the field.*

* From this battle and the pursuit, some reckon were buried 7,000 Englishmen ; all agree that above 3,000 of the prince's men were slain in the battle, besides those in the chase, and 3,000 prisoners taken, many of their chief officers, 25 pieces of ordnance, 47 colours, 10,000 arms, two waggons of carabins and pistols, 130 barrels of powder, and all their bag and baggage.—*Whitelocke's Memorials*, p. 89.

Disaster produced dissension among the vanquished. The Marquis of Newcastle, a nobleman too indolent for the constant occupations of the field, and disgusted with warfare, when active exertion took place of pomp and circumstance, unwilling also to brook the superiority of Prince Rupert, next day after the battle, embarked with his family and friends for the continent. Rupert, rallying what forces he could, retired into Lancashire. Dissensions were not, however, confined to the vanquished. The independents, dreading the encroaching spirit of the presbyterians, who relied so much on the support of their arms for the success of their principles, ascribed the whole merit of the victory to Oliver Cromwell; the presbyterians, who deprecated as the most fatal curse, that toleration which the others advocated, decried unjustly Cromwell's merit, and claimed the whole praise for Major-general David Leslie, and this spirit of rivalry spread widely, both in the camp and in the council, till the presbyterians were expelled from the army, and outvoted in the parliament.

On the night after the battle, the combined army kept the field, and on the 4th, having resumed the siege of York, summoned it to surrender at discretion, but Sir Thomas Glenham replying, that he could not yet yield it upon such terms, the batteries were again planted; every renewed effort to reduce the place, was resisted with vigour, till the 11th, when they had made their approaches close to the very walls, and prepared their ladders for storming, the besieged desired a parley, and the garrison surrendered, upon condition of being allowed to march out with their baggage, and the honours of war.

After the surrender of York, it was agreed, that the

three armies should separate; Lord Fairfax to remain governor of the city, and secure the county, but to despatch a thousand of his horse into Lancashire, to join with the forces of that county, Cheshire and Derbyshire, watch the motions of Prince Rupert, and attempt the reduction of Liverpool; the Earl of Manchester to march towards Lincolnshire, and recruit his army in the associated counties; and the Scottish army return northward, to meet the Earl of Callander, who was expected with an additional force of ten thousand men, and again attempt the town of Newcastle, the possession of which was requisite not only for keeping open a direct communication with Scotland, but also for supplying London with coals, the want of which had already begun to be severely felt in the capital.*

Callander, who had already entered England, and taken Hartlepool and Stockton,† advanced to Newcastle

* Aikman's History of Scotland; Rushworth's Historical Collections.

† "To Speaker Lenthall,—Some gentlemen of the Scottish committee, Sir Wm. Armyne and Mr. Barwis, was desired by my Lord Calander, and some other of the chief officers of that army to repair unto my Lord Gen. Lealey, for the good of the affairs of the parts of Northumberland, the Bishopricke of Durham and the town of Newcastle, which accordingly we undertooke, and have performed the best service we could therein. In our return from Leeds (where we found General Lealey) we heard the towne of Hartlepool and castle of Stockton was rendered unto my Lord Calandar, whereupon we thought it our duty to see how these places were settled, and we found at Hartlepool one Major Douglass, a sonne of the Sheriff of Tivdale, appointed Governor there, with six companies of foote and a captaine (whose name we do not remember) is sent to Stockton Castle with six score men to maintayne it, &c., &c.

"Your humble servants,

"W. ARMYNE.

"R. BARWIS.

"ROB. FENWICK."

"Sunderland, 1 August, 1644."

—Baker's MSS. vol. 28, p. 464, preserved in the University Library, Cambridge, quoted in *Brewster's History of Stockton*, p. 480.

on the 26th of July, before which he sat down ; after some severe skirmishing, he possessed himself of Gateshead, and on the 10th of August was joined by the Earl of Leven.

I remember the day when old Leslie came here
With the psalm-singing crew, who made oatmeal so dear ;
And their steeple-crowned hats, and all round shirt collars,
Their swords in their hands, in their pockets no dollars ;
 And stout Sir John Marley,
 Who fought late and early,
 Though the garrison lived and fed rather barely ;
 Oh, what a brave knight was Governor Marley !
 He'd breakfast on beer,
 With a cold leg of lamb ;
 And a rather tough sauce
 Of most leathery jam.
His men used to smoke without intermission,
But never dared spit without his permission ;
 But they signed a round robin,
 And came like a mob in,
To present to Sir John their humble petition ;
And they got leave to spit, but not on the floor,
 So one bit of a spoon,
 Designed a spittoon,
Which shall serve for the purpose for time evermore.
 I remember the day,
 When in furious array,
The Scots like the waves of the ocean came down ;
 And amid shouts and cries,
 Which reached to the skies,
They burst like the breakers, ere they reached the town.
Oh ! many a hearth was dull that night,
And many eyes, whose earnest light
Gave life and joy to a peaceful home,
Were dull as the wormy tenanted tomb ;
But louder and louder the cannons swell,
And the sword does his clanging work as well ;
Like the stag at bay the town holds out,
While the hungry dogs howl round about.
Night shakes them off, but the booming roar
Thunders like waves on the troubled shore.
The moon shone as bright as if all were peace,
And no voice from the stars bid the madmen cease ;

But they smiled, as if it were sport to see
What demons could do with humanity.
Oh, blood! oh, life! are ye useless tools
To be thrown away as the sport of fools?
That precious God-image to break and mar
In the bloody sport of a senseless war?
To destroy God's work as a useless thing,
At the word of a selfish and lying king?*

The town was resolutely defended by Sir John Marley till the middle of October, when the works being pushed forward, and preparations in readiness for an assault, the Earl of Leven proposed terms to the besieged, but, after an interchange of messages for some days, they were finally rejected by the governor, in a contemptuous letter. "By these former letters, answers and replies, it is more than manifest, how perversely obstinate the enemy was, and how carefully and patiently they were sought after; but seeing their obstinacy desperate and incurable, it was full time to proceed to action; for the condition of the army, which had endured much hardship, and of the mines which were always in hazard of discovery, as they had formerly destroyed some seven or eight, and the approaching winter, could not well admit of further delays; and thereupon, 19th Oct., early in the morning the cannon began to play upon the walls from the several batteries, while eight a clock, at which time the hostages [these were Col. Charles Brandling, Lieut. Col. Thomas Davison, and Capt. Cuthbert Carr, late sheriff of Newcastle] should have come out, or otherwise they were to expect the extremities of warre; but since none came, the service continued from all the batteries, and

* "The Old Castle (of Newcastle) discourseth of the things it has seen and heard." By "Jack Ingoldsby," in the *Newcastle Chronicle*, September 29, 1854.

the regiments were drawn up, standing on their armes, while the breaches were in readinesse, and the mines sprung. About three a clock in the afternoon, the enemy by their countermines had very neere approached some chambers where the powder was lodged for blowing up the walls, which being signified to his Excellency, he forthwith ordered, that fire should be given to these two mines endangered, and thereafter to maintaine the breaches carefully, while the generall assault should be made from all quarters : a little after, the day falling, and the breaches being made, though not so large and passable as was needfull for so desperate service ; the word was given, and the signe made, to give fire to the rest of the mines, and for the regiments to advance all at once towards the breaches, and those places of the wall which were opened by the mine ; but they met with no small opposition, and nothing was left undone by the enemy to repell the fury of the assault. They played very hotly and desperately from the castle upon the breaches, and from the flanking towers of the walls with scattered shot ; yet the regiments advanced without any shrinking, though the cannon played from many places upon their full open bodies, so that the difficile-accesse to the breaches, and the mighty advantages of their walls and works within the towne, made a considerable losse of soldiers and officers of good quality : yet notwithstanding all difficulties and resistances, they acquit themselves as became a people that considered the importance of so high a cause, and minded nothing but the happinesse of both kingdoms ; and after two houres very hot dispute upon the breaches, they found their first entry at the mine sprung on the west side of

the towne, neere to Close-gate; and after their entry, were furiously charged three severall times by the horse which were in town, but the charge was gallantly sustained and the place maintained, while the reserve of that post came to assist: thereafter they marched for the relief of the rest of the breaches,* and so the souldiers gave over and forsook the walls, and the whole body almost of the army entering, they became masters of the town, which tasted off no less mercy and favour

* "The winter was drawing on, and our souldiers were earnest to have some end of the business, which made the generall (after so many slighings) to begin this morning to make breaches (whereof we had three, and four mynes): the breaches were made reasonable low before three of the clock at night: All our mynes played very well: They within the town continued still obstinate: My Lord Chancellors regiment, and Backleughs, entered at a breach at Close-gate: The generall of the artillery his regiment, and that of Edinburgh, entered at a myne at the White-Tower: Colonel Stewart and Gasks regiment, entered at a myne, after hot dispute, beside West-Gate: this was one quarter: Lieutenant-generall Baylie had another quarter at New-Gate, with five regiments, viz. his own (which was formerly Dudhope) Waughtons, Cowpers, Dumferlings, and who entered by a breach: Great dispute was made here, and some of our officers killed, whereof one Major Robert Hepburn cannot be enough lamented. Cassilis, Kelhead, Wedderburn, Marshall, and the Master of Yesters, had a third quarter, who entered by a breach, not without dispute. Lord Sinclare, Aytoun, Niddery, the Master of Cranstoun, and the Lord Levingston, had the fourth quarter, who entered at two mynes. They would have had more hot work, but the resolutions of the officers and souldiers made a quick dispatch. They within the town made all the opposition they could, on the walls, and in the streets. Some houses are burnt. The maior and some others fled to the castle, and did presently beat a parley, which the generall would not hear, at that time, in respect they had been the instruments of so much bloodshed. The Lord Rae, and some others of our countrymen are prisoners with us. You shall hear more particularly, within a day or two, by an expresse.

Your Lordships humble servant,

"Octob. 19. 1644."

"A. HUMBIE."

—Extract of "A Letter from Newcastle, to the Right Honourable the Lord High Chancellour of Scotland, and the rest of the Scottish Commissioners at London. Containing a Relation of the taking of the Town of Newcastle by storm. Dated the 19 of October, 1644." London, Printed for Robert Bostock and Samuel Gellibrand, Octob. 26. 1644.

after the victory, then they found valour in obtaining the same ; for after their entry, the souldiers did quite vanish, sheltering themselves in houses, the inhabitants kept close their doors, the regiments marched thorow the streets without any insolency or disorder, never offering once to rifle a house or cut off either citizen or souldier ; they were presently after their entry in peaceable possession of all the corners and streets, and on a sodaine, all tumult, feare and noyse did cease. Upon the first entry the governour [Sir John Marley], Lodovicke Lyndesay, sometime Earle Crawfoord, the Lord Maxwell, Doctor Wishart, a man of a dangerous temper, who had seasoned the people, both before and the time of the siege, with bitter malignancy, Master Gray and Alvay, and others of the perverse crew, authors of all the evils which might justly have fallen upon the town, so exceedingly obstinate, according to the rule of warre, did all betake themselves to the castle, whence they cast over a white flag, and beate a parle, but before notice could be taken thereof, all the service was neere done.*

On Sunday, the 20th October, General Leven entered the town,† when he went to church with his chief officers, to return thanks to God for their success. The next day, Sir John Marley, the mayor, wrote a spirited letter to the

* Extract from "A Particular Relation of the Taking of Newcastle" &c. London, printed for Robert Bostock and Samuel Gallibrand, dwelling in Paules Churchyard. 1644.

† The following fragment of a genuine Sandhill ballad evidently refers to those times :—

" Ride through Sandgate both up and down,
There you'll see the gallants fighting for the crown,
All the cull cuckolds in Sunderland town
With all the bonny blue caps cannot pull them down."

Swirees.

Earl of Leven, from the castle, to which he had retreated, and which he owned could not hold out long. In this he hinted at the particular motives of his loyalty, and begged for liberty to withdraw to some neighbouring garrison of the king ; but the incensed general would allow no terms, and insisted upon a general surrender. On the 22nd, Sir John Marley, with his brave associates, came forth of the castle, and surrendered themselves prisoners to the Scottish army. During the siege, the Earl of Leven, with the forces under him, appears to have been quartered at Elswick, a little to the west of Newcastle ; while the Earl of Callander, with the division of the army under him, was stationed at Gateshead, on the bridge, and at the glasshouses, below which he had thrown a bridge of boats across the river. The round tower in the Castle Garth, called the Half-moon Battery (on the site of which is built the new county courts), was, by Sir John Marley, made use of to secure the river and the Quayside against the Scots ; and the other castle, which was very ruinous, he put into good repair ; on both of which he placed heavy ordnance, to beat off those guns which the Scots had laid upon the banks of Gateshead, against the town ; and this he managed bravely for a long time. *

Yet, although they had met with such determined resistance, and suffered so severely on storming the place, no acts of atrocity stained the conquerors in the hour of victory, nor did they sully the honour they had gained, by any cold blooded deed of revenge afterwards. "The Scottish lords taken then, viz., the Lord Crawford, Rea,

* Sykes's Local Records, vol. i., p. 98.

and Maxwell (three grand incendiaries) the general hath sent into Scotland to be there tryed, for that speedier justice will be done upon them there, than in England—that the town was not so much ransacked as was thought, nor indeed as they deserved, (being taken by onslaught) most of them redeeming their goods from plunder upon very reasonable satisfaction in moneys. And as our brethren the Scotts have taken order (as you have heard before) for the speedy tryall of the grand incendiaries of that nation taken at Newcastle, so the parliament have taken the like order for speedy justice against the English incendiaries. And to that purpose have sent down an ordinance to Newcastle for Sir John Marlay* the late ma-

* Scattered over the north of the county of Durham, were to be found, in the sixteenth and seventeenth centuries, numerous families of the name of Marley, the identity of whose Christian names indicated a greater or lesser amount of consanguinity. What may be entitled the chief house of the name had been settled at Gibside and Marley Hill from a very remote period; and it seems not improbable, from the resemblance of the arms and other circumstances, that they were a branch of the great baronial family of De Merlay of Morpeth. Numerous instances of apprenticeship of these Durham families to Newcastle merchants and artificers occur: and in the former body there can be no doubt that several of them were from the parent house at Gibside. Through the imperfections in the books of the Merchants' Company, and the slovenly manner in which the town registers have been kept, the exact connection with their predecessors in the company, or with the Gibside Marleys, the family of the gallant defender of Newcastle cannot be traced. The first individual who can with certainty be spoken of as an ancestor of Sir John, is his father, William Marlay, merchant adventurer and boothman of Newcastle, who held a distinguished position among that body throughout the reign of Elizabeth and a portion of that of James. He was buried in the church of St. Nicholas, December 28, 1609, during the prevalence of the plague in that year. Sir John must have been born ten years or more before the close of the sixteenth century; but no record of his baptism, nor other clue to his exact age, can be found; neither has the maiden name of his wife been ascertained, although it is conjectured she was of the Maddison family. Sir John derived his knighthood from Charles I., who conferred this honour upon him at Berwick in 1639. Colonel John Fenwick, in his curious tract, "Christ Ruling in the Midst of his Enemies," alludes to his "good service against the Scots," as one of the passports of "Sir Marloe" to the royal favour; and also gives currency to a rumour of less honour-

lignant mayor there, to be tryed by a councill of warre."
 —*Perfect Diurnal*, No. 66; *Whitelocke's Memorials*, p. 104.

able claims:—"Sir Marloe, some say, came hardly by his [knighthood], and had wellnigh missed, if some others' merits had not surmounted his. The boyes say that cuckold luck had raised his fortunes from a tap-house, and etoetera, to a carpet-night. O tempora! O mores!" But, however "Sir Marloe" won his spurs, they were bravely worn. In 1642-43, being then mayor of Newcastle, he was active and vigorous in raising supplies for the maintenance of the garrison; although his own worldly circumstances, it would appear, were not flourishing, his assessment being no more than £3; while Sir Alexander Davison stood at £10, Mark Milbank at £14, and Alderman Ralph Cock at £20. How he bore himself in the siege of 1644, is matter of public history. After the capture of the town, one of the newspapers of the day observes:—"Our brethren the Scots have taken order for the speedy tryall of the grand incendiaries of the nation taken at Newcastle, so the Parliament have taken like order for speedy justice against the English incendiaries, and to that purpose have sent down an ordinance to Newcastle for Sir John Marlay, the late malignant mayor, to be tryed by a councill of warre." Sir John and his companions in arms, Sir Thomas Riddell, Knight, Sir Thomas Liddell, Baronet, Sir Alexander Davison, Mennes, and Anderson, were branded as "the most notorious delinquents and malignants, late coleowners," and ordered "to be wholly excluded from intermedlinge with any shares or parts of colleyries or interest in any coles whatsoever that formerly they had laid claim unto." Thereafter (December 5), the House of Commons disabled Sir John from being mayor or alderman; disfranchised him; and ordered that he be "brought to condign punishment for his notorious rebellion against the parliament." Commissioners were appointed for the sequestration of his estates; and on the 22nd of June, 1645, an order was made for his committal to the tower "for high treason, and for levying actual war against the King and Parliament." In the Act of 1652, his name was inserted amongst those whose estates were to be confiscated and sold, for treason to the Commonwealth; but it did not appear in the list of traitors subjected to the operation of the statute—probably because his means had all been expended in the King's service. It would seem he had fled to the continent, there being extant a letter from Charles II. in exile, acknowledging the receipt of a communication by the hand of Sir John Marlay. At the Restoration, Sir John stepped at once into his old position; resumed his place in the Merchants' Company; was treated with consideration and respect by the Hostmen; was once more elected to the office of chief magistrate; and, moreover, with Sir Francis Anderson, was sent to the House of Commons to represent that borough in parliament. "Last scene of all," he died; was buried in St. George's porch of the church of St. Nicholas, 24th of October, 1673; and on the 27th of the same month, a new writ was ordered for the election of a member for Newcastle in the room of Sir John Marlay, deceased. Lady Marlay survived her gallant husband nearly twenty years, and was buried February 14, 1692. Sir John lived in the Close, in a house on the south side of the street, not many yards within the Closegate, still in the hands of the family so late as 1770 or 1780, and retaining

During these latter proceedings, the port and borough of Sunderland, which our readers will recollect was originally garrisoned for the king, but taken by the Scottish army, on the 4th March, 1644, remained in the hands of the parliamentary party. The newspapers of the period, as may be expected, abound with notices of the military operations in the neighbourhood: the following extracts relating to Sunderland, cannot fail to be interesting:—

“We understand that General Levin is going to Newcastle to joyn with the forces of my Lord Calendar, and so besiege Newcastle to purpose, that so if possible, we may have yet before October be ended, a fleet of Newcastle coals: We hope they will suddenly come handsomly from Sunderland.”*

an air of grandeur until it fell into the hands of a company of soapboilers. Three of the knight's sons shared the displeasure of the besiegers in 1644, and partook of their father's punishment. One of these, Capt. Henry Marlay, was clerk of the town chamber, and married Barbara, daughter of Alderman Cook, and one of “Cock's canny hinnies.” The captain's son and namesake succeeded him in the clerkship; and his daughter Barbara married William Peareth, merchant of Newcastle, (whose descendants, the Peareths of Usworth, possess the family portraits). From another son of Sir John's, Capt. Anthony Marlay, descended a chief justice of Ireland, a bishop of Clonfert, and the great Irish orator and statesman, Henry Grattan, great-great-grandson of the gallant knight.—Compiled from a paper contributed by Mr. G. B. Richardson, and read before the monthly meeting of the Society of Antiquaries, Newcastle-upon-Tyne, March 1, 1854; reported in the *Gateshead Observer*, March 4, 1854.—Amongst the numerous branches of the Marleys were those of Picktree, near Chester-le-Street, who possessed a portion of the lands and manor of Picktree. Robert Marley of Picktree, served as a grand juror at the general quarter sessions of the peace, held at Durham, on the 3rd day of October, 1666, when the grand jury presented a petition to the court in the names and on behalf of all the freeholders of the said county, setting forth “That they do not enjoy the privilege of sending members to parliament as all the other counties of the kingdom do.” The last of the Marleys of Picktree, was Thomas Marley, who died about 1790. The editor of this work is now the representative of this family by female blood.

* Perfect Occurrences, No. 5.

“Friday, 25th October, 1644.—This day the House of Commons received letters from Sir Wm. Armyne and the rest of the English commissioners residing at Sunderland, informing the house of the great blessing and successe to the Scottish forces in the taking of Newcastle.”*

“Friday, 25th October, 1644, an order made by both Houses of Parliament, that the next Lord’s day the ministers in the several parish churches shall return hearty thanks to God for his great mercy in giving up Newcastle to our brethren the Scotts.”†

“19th October, 1644—Information received of Sir Hugh Cholmley having taken some colliers off Scarborough, laden with coal for London—the committee of the navy enjoined to take care that there should be ships victualled and kept continually upon the northern coast for the better guard of the seas.”‡

“Letters received 2nd November, 1644, state that at several times the enemy by scouting out of the king’s men of war by sea, from Scarborough, that they have taken almost forty sail of laden colliers from Sunderland, which would have been a great refreshment to the city of London.”§

The fatal battle of Marston Moor, followed as it was by the surrender of York and Newcastle, completed the ruin of the king’s affairs in the north. “The bishoprick of Durham,” says Mr. Surtees, “deserted by the royal troops, fell entirely under the power of the parliament, and was in effect from this time governed by Sir William Armyne and the rest of the parliamentary commissioners,

* Perfect Diurnal, No. 65. † Ibid.

‡ Diary or Exact Journal, No. 24; see also Whitelocke’s Memorials, p. 102.

§ Perfect Occurrences, No. 13.

and by the noted family of Lilburne and Sir Arthur Haslerigg, whose extensive purchases of lands belonging to the see, sold by order of parliament, acquired him the name of the Bishop of Durham."

The following letter was forwarded from Newcastle to Mr. John Pewtenger and Mr. Robert Adamson, then nominally the principal officers of the king's customs at Sunderland, but who, in reality were the officers of the parliament, who appointed them to receive the customs for their use. Previous to this, all duties arising from customs or conservatorship of the river Wear, were received by the Bishops of Durham:—

"To the Officers of the Customs in the Port of Newcastle.

"Gentlemen,

"We have receaved informacon y^t y^e river of Wier w^{ch} falls into the sea at Sunderland, is much annoyed by reason the masters of shipps and vessells w^{ch} come in thither for coales doe cast out their ballast wthin the full sea marke of the said river, so y^t if there be not tymely p^rvencon had therein, the same will be made unnavigable. The comittee for the admiraltie, have given order to the water bailiff there, to take care, y^t no such abuse be hereafter comitted, or suffered in the same river. Whereupon we thought fitt to second the same by this o^r l^re unto you desiring you that in case you finde any of the said shipmasters so refractore as to refuse to unlade their ballast as the water bailiff shall appointe them, and to receive his bill as all shipmasters at the towne of Newcastle doe, in like manner, then you are not to per-mitt such shipp or vessell to be cleredd with you untill they doe conforme themselves accordinglie. Provided

always that the Water baliffe take no other fee from them then what now is, and formerly hath bene paid. So we rest

“Yo'r loving friends

JOHN ROLLE

EDWARD EXTON

W. MARIOT

GILES GRENE

EDW. OWNRE.

“Westminster, 20 Sep., 1645.”*

“An ordinance for the total abolition of Episcopacy passed both houses of parliament on the 9th October, 1646, and was followed, on the 16th November, by an order for the sale of bishops' lands, for the use of the Commonwealth. From 1646 a sheriff for the county was annually appointed by parliament, and accounted to the public treasury. The ancient palatine courts of law and equity were suspended, and particular commissioners appointed to sit on gaol deliveries. A senescal was also appointed for the court of halmote, who acted as such in the name of the different persons by whom the copyhold manors of the see had been purchased. The dean and chapter had been long ago voted useless, and their lands seized to the state's use. The Book of Common Prayer was abolished, by an ordinance of both houses, in January, 1645, and at the same time a Directory for Public Worship was established, as framed by the Assembly of Divines. Such of the clergy (including by far the greater portion of the parochial ministers) as refused to conform to the Directory were ejected from their livings (one-fifth

* Garbutt's History of Sunderland.

of the annual revenue being by order reserved for the maintenance of their wives and children) and their places filled chiefly by Presbyterian ministers."*

January 24th, 1645-6, a petition of the merchants of Newcastle and Sunderland, referred to the committee of the navy.†

In May, 1646, King Charles having been reduced to a condition in the last degree disastrous and melancholy, fled from Oxford,‡ which was then besieged by the parliamentary forces, and threw himself into the protection of the Scottish army before Newark-upon-Trent. The king, although he had come unexpectedly, was received with respect, had a guard appointed, and resided at Lieutenant-general Leslie's quarters,—who, since the victory at Philiphaugh, was in greater esteem with the army than the Earl of Leven, whom he had also eclipsed at Marston Moor,—but he was prevented from intermingling or interfering with the affairs of the country. His arrival was immediately announced to the English commissioners resident in the camp, who informed the parliament, and, by a despatch from the general and committee of estates, to the committee of both kingdoms; expressing their surprise and astonishment at this unlooked-for event, and their intention to improve it to the best advantage, for

* Surtees's History of Durham, vol. i., part 1, page 105.

† Whitelocke's Memorials, p. 195.

‡ May 4. Letters from the General before Oxford informed, that those who came out of Oxford informed confidently that the king was in London, whereupon both houses declared by beat of drum and sound of trumpet, "That what person soever shall harbour or conceal, or know of the harbouring or concealing of the king's person, and shall not reveal it immediately to the Speakers of both houses, shall be proceeded against as a Traitor to the Commonwealth, forfeit his whole estate, and die without mercy."—*Whitelocke's Memorials*, p. 209.

promoting the work of uniformity, settling of religion and righteousness, and attaining peace, according to the league and covenant, by the advice of the parliaments of both kingdoms, or their commissioners, but declaring, that there had been no treaty nor capitulation between his majesty and them, nor any in their names.*

To prevent any requisition from the English parliament, or the necessity of encountering an English army, they determined to march northward with his majesty, till some arrangement could be made for securing a peace upon their own terms, and according to their construction of the solemn league and covenant. In order, however, to do this honourably, it was necessary that their engagement with the English parliament should be punctually fulfilled, and Newark reduced before they began their march; they therefore procured the king's order for its surrender, and when his majesty wished they should retain it in their own hands, the general answered, "to remove all jealousies, it must be yielded to the parliament of England." Next day, after the articles were signed, they broke up from the town, and proceeded towards Newcastle, the king, with lieutenant-general Leslie, in the van.

These precautions were not taken in vain. As soon as the two houses received intelligence of the king's being in the Scottish army, they voted, "That the general and commissioners of the Scottish army be desired that his majesty's person be disposed of, as both houses shall direct; that his majesty be thence disposed of, and sent to Warwick castle; and that Mr. Ashburnham, and the rest of those that came with the king into the Scottish

* Whitlocke's Memorials, pp. 209, 210.

quarters, should be sent for as delinquents by the serjeant-at-arms, attending the said house, or his deputy."* They also ordered, that Holy Island, which lay open to an enemy, should be garrisoned, as a post of great consequence to the northern districts of the kingdom, and a strong body of horse was sent northward, with the evident intention of watching the motions of the covenanters ; but they reached Newcastle without interruption, and thence transmitted their apology for not complying with the vote of parliament, and their reason for not stopping on their road, as they had "received advertisement that five thousand horse and dragoons were on their march northwards towards them, no enemy being in those parts, and that two of their messengers were intercepted and searched, they could not halt till the army should come to a more convenient place, being unwilling that the forces of the two kingdoms should engage upon a mistake." Ashburnham not having been declared a delinquent, they said they had no grounds for arresting him, except his attending the king to their camp ; and doing so would have been declaring that they had no right to receive the king when he came to them, simply attended by a servant, which they contended was as proper for them to do as it would have been for Sir Thomas Fairfax or the English parliament, in similar circumstances : the disposal of his person was reserved for future discussion.

The royal fugitive reached Newcastle on Wednesday, May 13, 1646. The governor of that town, Sir James Lumsden, made "a lane of muskets and pikes" from Gateshead, where his majesty entered, to the Earl of Leven's head quarters, where he lodged. The fallen

* Whitelocke's Memorials, p. 209.

monarch was also "saluted with bonfires and ringing of bells, drums and trumpets, and peals of ordnance, but guarded by three hundred of the Scottish horsemen, those nearest to him bareheaded." Proclamation was made that Papists or Delinquents should not approach the king, and that all men should yield obedience to the ordinances of parliament only.* The king was nowhere treated with more honour than at Newcastle,† as himself confessed, both he and his train having liberty to go abroad and play at goff in the Shield-field without the walls. His majesty is said to have lodged in the house, many years the property and residence of the late Major Anderson, in Pilgrim Street, a room in which retained the name of the king's bed-chamber. Whilst a prisoner at Newcastle, the king attempted his escape from this house (which was pulled down upwards of twenty years ago, to make way for the present meat, poultry, vegetable, and butter market), by the passage of Lort Burn, which runs through the centre of the town, and that he had got down as far as the middle of the Side, where he was caught in his attempt to force the iron grate which still communicates with the sewer at that place. On the detection of this attempt, his majesty was not only deprived

* Whitelocke's Memorials, p. 211.

† A Scotch minister preached boldly before the king at Newcastle, and after his sermon called for the 52nd Psalm, which begins,

"Why dost thou, tyrant, boast abroad

"Thy wicked works to praise?"

His majesty thereupon stood up, and called for the 56th Psalm, which begins with these words:

"Have mercy, Lord, on me, I pray,

"For man would me devour."

The people waived the minister's Psalm and sung that which the king called for.—

Whitelocke's Memorials, p. 234.

of his former liberty, but also of future quiet and retirement, a guard of soldiers being immediately planted at his chamber door, both within and without.*

At this time it seems to have been a very general subject of popular discussion, what treatment the king should receive, and whether the form of monarchy should be retained, or a republic established. If Charles would have now consented to abolish episcopacy, and reign as a very limited monarch, he would have been supported by the presbyterian party, who still clung round the throne, particularly the Scots, whose aristocracy and ministry, while they wished to curb the power, were anxious to retain the form of the monarchy, because it formed an essential point of union in the solemn engagements of the two nations, and what secured the alliance with England, of the benefits of which they were fully aware. But his conscience directed him to resist every encroachment upon that form of ecclesiastical polity ; and he therefore lost, in a great measure, the support of the presbyterians, who, though the men that had begun the war, were now sincerely anxious for a pacification, being in some alarm respecting a more violent class, who had latterly sprung up, and who, from their denial of all forms of church government, were styled Independents. The independents appear to have speculated about the propriety of abolishing royalty, and making an example of the king, whose obstinacy they deemed remediless, and his policy bloody, false, and hypocritical ; but the parties were so equally balanced at this period, that both were anxious to obtain the sanction of the royal name, and both used

* Whitelocke's Memorials, p. 237.

the language of terror, to endeavour to sway him to their purpose ; but he saw their anxiety, and it confirmed him in his obstinacy, as he believed at any time he could make as good terms as he now had offered, whenever he chose to accept of them. He hated both parties, and he rejected what his friends saw was clearly his interest, in the expectation of some providential change.

After many discussions between the commissioners of the parliament and the Scots, it was finally agreed, that the latter should accept of £400,000 in lieu of all demands for arrears of military pay, one half to be paid instantly, and the other in two subsequent payments ; and that the king, who had been retained nine months by the Scots, should be delivered up to the parliament, subject, however, to certain specified conditions. On signing this convention, the house of peers sent the Earls of Pembroke and Denbigh and Lord Montague, and the house of commons Sir John Holland, Sir Walter Earl, Sir James Harrington, Sir John Cook, Mr. John Crew, and Major-general Brown, to receive the king. They were accompanied by two chaplains and several private gentlemen. When the English commissioners arrived, they were received with the utmost grace and cheerfulness by the fallen monarch, and permitted to kiss his hand ; and the old Earl of Pembroke was congratulated on his strength and vigour, that he was still able at such a season to perform so long and rapid a journey. On the 28th January, 1647, the Scottish army, having received the stipulated £200,000, which had arrived at Newcastle in six and thirty covered waggons, delivered his majesty up to the parliamentary commissioners. No ceremony or formal delivery took place ; the Earl of Leven simply informing them that the

king was now in their power. On Wednesday the 3rd February, Charles was removed from Newcastle under an escort of nine hundred horse, and on Saturday the 13th, reached Holmby House in Northamptonshire, where he was rigorously confined. On his journey, all remembrance of his errors seemed to be lost in compassion for his misfortunes, and his march was accompanied with tears or with acclamations. Even the warmest admirers of popular rights passed in silence.

On Saturday, the 30th January, 1647, the Scottish army evacuated Newcastle, and proceeded on the route to their own country, where they were disbanded.

Leslie's March to Scotland.*

March!—march!—pinks of election,
 Why the devil don't you march onward in order?
 March!—march!—dogs of redemption,
 Ere the blue bonnets come over the Border.
 You shall preach, you shall pray,
 You shall teach night and day,
 You shall prevail o'er the kirk gone a whoring;
 Dance in blood to the knees
 Blood of God's enemies!
 The daughters of Scotland shall sing you to snoring.

* The hero of this song is the celebrated David Leslie (who is also immortalized in the song called Leslie's March to Longmaston) who commanded a division of the Whig army at the battle of Marston Moor, and contributed so materially to that victory, where the Earl of Leven, who commanded above him, fled. His cruelties in Scotland, after his victory over Montrose and some other successes, must have provoked some of the cavaliers to write these two songs in mockery of him and his army of furious zealots. They are both written to a tune that is well known to have been his favourite march, and to which his troopers always entered or left every town on their route. The March to Scotland is the most perfect thing of the kind to be found in that or any other age; and, wild as some of the expressions are, must be viewed as a great curiosity. It is the very essence of sarcasm and derision, and possesses a spirit and energy for which we may look in vain in any other song existing.—*Hogg's Jacobite Relics*, vol. i., p. 163.

March!—march!—dregs of all wickedness!
 Glory that lower you can't be debased!
 March!—march!—dunghills of blessedness!
 March and rejoice for you shall be raised,
 Not to board, not to rope,
 But to faith and to hope,
 Scotland's athirst for the truth to be taught her;
 Her chosen virgin race,
 How they will grow in grace,
 Round as a neep, like calves for the slaughter.

March!—march!—scourges of heresy!
 Down with the kirk and its whilliebaleary!
 March!—march!—down with supremacy
 And the kist fu' o' whistles, that mak's sic a cleary;
 Fife-men and pipers braw,
 Merry de'ils tak them a',
 Gown, lace, and livery—lickpot and ladle;
 Jockey shall wear the hood,
 Jenny the sark of Go d—
 For codpiece and petticoat, diabolout and daidle.

March!—march!—blest ragamuffins!
 Sing, as ye go, the hymns of rejoicing!
 March!—march!—justified ruffians!
 Chosen of Heaven! to glory you're rising.
 Ragged and treacherous,
 Lousy and lecherous,
 Objects of misery, scorning, and laughter;
 Never, O happy race!
 Magnified so was grace;
 Host of the righteous! rush to the slaughter!

Hogg's Jacobite Relics of Scotland, vol. i., p. 5.

In 1648, a last attempt was made by the loyalists in the north to seize some of the strong places, and afford a rallying point for the royal party. On the 5th May, on the news being received of the seizure of Berwick by a troop of a hundred horse, an ordinance was passed, "That the seven Northern Counties be associated forthwith, and put into a posture of defence." On the 8th of the same month, more certain news was received, that

Sir Marmaduke Langdale had seized Berwick ; that Sir Thomas Glenham (the late gallant governor of York) and Sir Philip Musgrave were in possession of Carlisle, and were distributing commissions by authority from the Prince (afterwards Charles II.); that Sir Gilbert Errington had garrisoned Harbottle Castle for the king, and that Sir Philip Musgrave was marching on Penrith and Appleby with 500 horse. Major-general Lambert had in consequence taken measures to fortify Appleby, Walton Hall in Yorkshire, and Raby in the Bishoprick. It seems evident that Raby Castle stood a siege* from the royalists on this occasion, a circumstance, as Mr. Surtees observes, not perhaps noticed by general historians.

The following letter, containing much curious and valuable information respecting this "rising," is too important to be omitted :—

"DEARE SIR,—I received your letter by the last post, for which I thank you. You may remember, that I left my last intelligence at the coming of a strong party of horse from Langdale† into Northumberland, &c.; and at Lambert's withdrawing from Carlisle, to joyn with the Lancashire forces. We sent to General Lambert for assistance. On Sunday, June 25, the Lancashire forces joyned with Lambert, who fell upon the cabbs [cavaliers], beat their foot into Carlisle, and their horse into Scotland; which being done, Lambert lay his horse and foot in

* William Joplin, a souldier, slaine at the seidge of Raby Castle, was buried in the church, 27 Aug. 1648. Mem.—Many souldiers slaine before Raby Castle, which were buried in the Parke, and not registered.—*Staindrop Parish Register*.

† Sir Marmaduke Langdale, a determined royalist and gallant soldier, called by the parliamentarians the "Ghost," being "a lean and much mortified man."—*Lloyd*. He is said to have lost £160,000 in the king's service. He was created Baron Langdale by Charles II., during his exile, two years before the restoration.

three quarters, to straiten the town. Whilst this was acting in the west, wee bestirred ourselves for assistance. On Sunday night, Col. Wren,* with 220 bishoprick new-raised horse, came to Newburn. The nextday, June 26, we advanced to Cholerton edge, to prevent the enemies randevouse, and hoped to meet ayd from the west; but the next day we marched eastward again, to Blackheddon. The 27 day, we marched to Capheaton—50 dragoones came to us from Newcastle: then were we within 4 miles of the enemies body, who advanced within a mile of us,

* Francis Wren, of Henknowl, son of Francis Wren, of the same place, and nephew of Sir Charles Wren, of Binchester, Knt. This gentleman appears to have embraced the cause of the parliament from sincere conviction. When his party was triumphant, he conducted himself with great moderation towards the loyalists, and maintained the honourable feelings of a gentleman amid the horrors of a civil war. Colonel Francis Wren frequently appears at the meetings of the Parliamentary Commissioners, mitigating the fines, or saving the estate of some luckless delinquent. On the 19th May, 1659, he was on a "Commission of Charities" issued by "the keepers of the liberties of England." In all the party pamphlets of the day, directed against the Lilburnes and others, who rose to sudden power in this county, no imputation, either of grasping wealth or situation, is ever thrown on Col. Wren. At a later period, he served under General Monk, in Scotland; and probably, like other honest men, coincided in the resolution to restore monarchy, rather than submit to the doubtful rule of a wavering faction. He survived the restoration, and died a bachelor, in the 86th year of his age, 24th September, 1684, and lies buried with his ancestors in the church of St. Andrew's, Auckland. Col. Wren had two sisters; the eldest of whom, Gertrude, was as ardent a royalist as he was a stern republican, and of whom tradition relates, that when the unfortunate Charles, on his journey from Newcastle to Holmby, was conveyed a prisoner through Bishop Auckland, in the winter of 1646-7, she went to visit him at his lodgings, and found him in the middle of a large guard-room, the soldiers sitting round on benches, smoking tobacco; a practice the king held in utter abomination. Shocked at their uncourtly freedom and want of respect towards royalty, she dashed the pipes from the mouths of the astonished soldiers in rapid succession, as she advanced towards the king; to whom kneeling, she tendered her respectful homage. Charles, equally surprised and gratified at such a bold and unexampled proof of attention to his personal comfort, raised her up, saying, "Lady, I thank you! you have done more than I durst have done!" The exact period of the king's forced visit is marked by the following entry in the parish register of St. Helen's, Auckland:—"George Cummyn and Jennet Hodgson, married Feb. 4, 1646-7. And the same night, our gracious king, Charles, laid at Christopher Dobson's house, in Bishop Aukland."—*Sharp's Chronicon Mirabile*.

to fall on us, but declined to attempt us. We being truly informed of their great strength, resolved, after serious consultation, that, for two reasons, we ought to retire towards Hexham, viz., that we might joyn with the forces expected, and draw the enemy into security, who would perswade himseife we were run away : these two respects hit right.

"Thursday, 29, we came to Hexham, viz., Col. Fenwick* and our two old troops. Col. Lilburne [Robert Lilburne, M. P., brother to "free-born John": see p. 345] came to Heydon Bridge, with three troops. Friday, 30 Junii, according to agreement, we randevouzed about eleven of the clock, at Chollerford, three miles north of Hexham. We hasted away that night, and marched sixteen miles, from Hexham to Harterton; bated our horses two houres; then mounted again, and marched from thence. I had the command of the forlorne hope. The first towne we fell into was Tossons, where wee tooke a lieutenant and six of his dragoons, all in bed: the next town was Lurbottle, where we took 60 horse, and 60 men all in bed. The next quarter was Carlisle, where Col. Grey,† Lieut.-Col. Salkeld, and many others were taken, with 80 horse. The next quarter was Whittingham, where Lieut.-Col. Millet,‡ and many other considerable men, with 200

* Col. George Fenwick, of Brinkburne, of whom more hereafter.

† Edward Grey, commander-in-chief of the forces in Northumberland, who compounded (Ruahworth); and in the list of compounders (1655) the sum stated is £389 10s., then styled of "Caupan".

‡ Ralph Millot, of Whithill, near Chester-le-Street, Esq., a devoted loyalist, whose estate was ordered to be confiscated, and sold for the use of the Commonwealth. He was nominated, on the restoration, for a Knight of the Royal Oak—an order of chivalry which was never carried into execution, from the fear of reviving the heats and jealousies of the late times. His fortune was stated at £600 per annum.

horse. The next was, at one time, an engagement upon Eslington,* where were 100 horse, at Glanton : in Glanton, were 180 horse, most of them taken, with the officers and souldiers in that quarter. At Eslington was taken Sir Richard Tempest,† Major Troulop,‡ and many others. Wee advanced on towards Branton, but finding that wee were cloyed with prisoners and horse, and booty, we retyred towards Whittingham, where Col. Lilburne was labouring to rally into a firme body ; for there appeared about Shawton four bodies of the enemies horse, who had taken the alarme, and got together : but all the rest we tooke before they could mount.

“The victory [which was considered of so much importance, that a public thanksgiving was ordered by the House of Commons] was beyond all expectation, God working it for us. We had but one horse shot dead, and one man shot through the thigh : and of the enemy there was five slaine, and Capt. Smith [probably of the ancient Catholic family of Smythe, of Esh] run through the body, and some others wounded. The enemies bodies of horse that appeared at Shawton, retyred from us northward ; and when they were gone out of sight, two miles, we drew off to Newtown, staid two houres ; withdrew to Morpeth, disposed of our prisoners as well as we could.

* Eslington, the ancient seat of the Collingwoods. The estate was forfeited in 1716, by the son of the gentleman named in this letter ; and was afterwards purchased from the Government Commissioners by the ancestors of the present Lord Ravensworth.

† Sir Richard Tempest, of Stella, Baronet, commanded a regiment of foot in the service of Charles I. He was buried at St. Giles', Durham, 5th February, 1662. A grand-daughter of Sir Richard married the attainted Lord Widdrington.

‡ Michael Trollop, second son of John Trollop, of Thornley, Esq. He was afterwards a colonel, and was slain in the service of Charles I., at Wigan, in Lancashire. His brother, William, died of his wounds at the siege of Oxford, in 1645.

We brought to Morpeth 309, that were droven a foot, because we wanted horses to carry them on; there were many officers and gentlemen amongst them; and we brought 42 of them on horseback; so that we had 359 prisoners, besides many that escaped. We took about 600 horse, but the souldiers drove them away towards Newcastle, and sold them at high rates. Sunday, July second, we brought our prisoners to Newcastle; but Sir Richard Tempest escaped from Morpeth, after he had brok his fast on Sunday morning.* We have received information that the enemies forlorne hope are advancing, now about Long Framlington. We are drawing our horse together, and shall advance so soone as we can. We have ten troopes of horse come to us this night, under Col. Harrison;* they are to meet us at Melton. The enemy hath about 600 horse left yet, and 3 troopes of dragoones: they brag of the Scots comming in to-morrow into England. If the Scots come not in, we shall, by God's helpe, free this country of these blades.

"Yours,

"JOHN SANDERSON.†

"Newcastle, July 3, 1648."

* Thomas Harrison, afterwards a major-general, was the son of a butcher at Nantwich. He was a man of great courage, and great volubility; and had an *admirable* talent for long prayers. He sat on the king's trial; was one of the ten regioides executed in 1660. In a pamphlet of the day, published 1652, various queries are propounded to the reader, and amongst others is the following, viz.,—"Whether Major-general Harrison be bound to give no quarter, because his father is a butcher?"

† The writer of this letter was a younger son of Samuel Sanderson, Esq., constable of Brancepeth Castle, for James I., and grandson of Henry Sanderson, who had been constable under Charles Neville, the unfortunate Earl of Westmorland,—and was also Customer of Newcastle. He appears to have been a bitter enemy of the corporation, as by a letter from that body to Michael Hickes, secretary to the

"Col. Ed. Grey, Col. Rich. Tempest, Sir Fran. Ratcliffe,* Bar. Ratcliffe's son, Sir Jer. Lucas, [Gervas Lucas, created a baronet 20th May, 1644. Governor of Belvoir Castle for Charles I.], M. Geo. Bellassis [sixth and youngest son of Sir William Belasyse, of Morton House, mayor of Sunderland, 1634], M. Geo. Collinwood, M. Jo. Collinwood [Geo. Collingwood, of Eslington, and John Collingwood his brother. Benedict, another brother, was killed in the royal service, at Naseby, 1645], Lieu. Col. Jo. Salkel, Lieu. Col. Ra. Millet, Lieu. Jo. Thornton, Ma. Tho. Saukel, M. Trowlop, Cap. Fran. Branlin [Francis Brandling, of Hoppen, county of Northumberland, gent., younger son of Sir Francis Brandling, of Felling and Gosforth, knt., died 1669; buried at Alnwick], Cap. J. Shaftree [James Shaftoe, of Tanfield Leigh, gent., died 1682], Ca. Hugh James, Cap. Smith, Cap. Fetherston [Thomas Featherstonhaugh, of Stanhope Hall, Esq., afterwards M. P. for the county of Durham. He was a captain in the Durham

Lord Treasurer, dated 20 August, 1697, they state, that by the conduct of their "busy malcontent enemye Henry Sanderson," they are become "not onlye to others, but especially to ourselves an insupportable trouble everywhere, we have been and yet be disgraced, as the men who only deserve evil amongst men, our places, persons, actions in private, our chamber in publike being made a by word everywhere." They therefore beseech him to aid them "in our juste and equal sute, for which we shall ever, not only acknowledge ourselves highlie indebted, but thoroughlie bound to render both thanks and dutyfull respects whatever way we can—our hope is built on God and a just cause, together with your worship's favour we truste will not faile us." It is not known where Major Sanderson died, but he states in his very singular will, dated 19th September, 1650 (which explains much of the arrangements relative to the distribution of the loyalists' estates amongst the army), that he was then going into Scotland, and as his name does not occur afterwards, it is probable that he never returned.

* He was the eldest son of Sir Francis Radcliffe, Bart., and unole to Francis Radcliffe who was created Earl of Derwentwater, 1687-8, who died 1697, and was buried at Dilston. His grandson James, third Earl of Derwentwater, suffered for his attachment to the Stuarts, in 1715-6.

trained bands], Cap. Fran. Carlton, Cap. Askne [or Askew —Cap. James Askew, of Middleton-one-Row, who died in 1666, and had his estate sequestered by the Parliament], Cap. Am. Carlton, M. Geo. Ratcliffe, M. Jo. Wright, M. Cham. Wright,* M. Jo. Thornton, M. Rich. Hodg [Richard Hodgson, of Hebburn], M. Char. Selby,† M. Jo. Thurwell [Thirlwall; a Northumberland family], M. Will. Lampton,‡ M. Shaw [of Thrislington], M. Ro. Ratcliffe, M. Lan. Selby, M. Woodhouse [Nicholas Woodhouse, of Cornforth, a wealthy yeoman], M. Ant. Trowlop [a cadet of the house of Thornley], M. Jo. Sissons, M. Th. Hardin, M. Jo. Watson [of Grindon or Thorp Thewles], M. Ra. Claxtra [Claxton], Co. Jo. Tempest,§ Co. Ogle, M. Jo.

* Mr. Cholmley Wright, of Windleston, captain in the Durham trained bands, son of Hugh Wright, Mayor of Durham, and alderman of Sunderland in 1634, (see p. 344,) by his second wife Hilda Cholmley. He died 24th September, 1699, and is recorded in Jacob Bee's Diary, as Mr. *Chammy* Wright.

† Charles Selby, younger brother of Sir George Selby, of Whitehouse, son of Sir William Selby, of Shortflatt. At a great age he was an annuitant on the Winlaton estate, and must have been one of the last survivors of this *Camisade*.

‡ Of Tribley, in the county of Durham, gent. His brother, John Lambton, died in the royal service, at Bradford, in 1643.

§ Col. John Tempest, who is placed here with so little ceremony, and so low in the list of the prisoners, was perhaps one of those who attempted to escape as a private soldier;—there is such a tradition. He was a noted loyalist; and was returned with his father-in-law, John Heath, as one of the principal *malignants* in 1649, and ruined his fortune in support of the royal cause. After the restoration, he was nominated to be a Knight of the Royal Oak, being then described of the Isle, in the parish of Sedgfield. He was one of the representatives for the county of Durham, in the parliaments of 1675 and 1678-9, and was buried at Forcet, co. York, 28th July, 1697. He was of the court party; and in a pamphlet, written with a violent tincture of party spirit, called "A seasonable Argument to persuade all the Grand Juries to petition for a new Parliament, or a List of the principal Labourers in the great Design of Popery, &c."—*Amsterdam*, 1677,—he is called "a Papist, a Pensioner, and a Court-dinner Man, and has got a Customer's place at Hull for his son." He married Elizabeth, sole daughter and heiress of John Heath, of Kieper, Esq., and both families are represented by the Marchioness of Londonderry.—*Sharp's Knights and Burgesses*, p. 14.

Collinwood, junior, Ra. Comp [Compton, a respectable family in North Durham], Will. Hochton [Hodgson], Jo. Wegden, Wil. Fregrin, Wil. Porte [William Porter, of Shield Row], Ro. Hardin, Gilb. Rennek, Tho. Ilea, Hump. Marchald, Ri. Emerson [of Weardale], Tho. Jopson, Hum. Terling, Jo. Wil. And. Jobler [Jopling], Ra. Wood [of Hett, a respectable yeoman], Hen. Calliday, Rob. Vickel, Ra. Eodon, Tho. Thomson, Hen. Meriam, Ri. Rakler, and many other gentlemen, as Lieu. and other officers, and three hundred souldiers, and six hundred horse, and many arms, &c. There was many captaines, which are not named in this note, which I have seen in another list; the reason is, many at first passed for common souldiers, which are now known to be officers. Col. Sir Rich. Tempest, as he was brought towards Newcastle, slipt away, and so hath made an escape. This list was given me, and I had not time to write it over. There are twenty-four Cap. taken, at the least, with reformade captains."*

The Scots, under the command of the Duke of Hamilton, invaded England by the western border, early in July. The duke entered in great state. "He marched himself," says Rushworth, "in the van of the Scottish army, with his trumpeters before him, all in scarlet cloaks full of silver lace. With the duke did march a life-guard of Scottish men all very proper, and well clothed with standards and equipage like a prince. In the van of the

* A letter from Major Sanderson, in "Packets of Letters from Scotland, Lincoln, and Lancashire, to members of the House of Commons concerning the Transactions of the Kingdome of Scotland, and the Commissioners of the Parliament of England. Brought by the Post, on Tuesday, July 11, 1648. Printed at London, by Robert Ibbitson, in Smithfield, neare the Queens-head Tavern, 1648. Num. 17."

army marched four regiments of horse, seven colours to a regiment—the foot had ten colours in their regiment.” The army, which in general was ill-equipped, ill-disciplined, and dissatisfied, including about four thousand horse, amounted to nearly fifteen thousand men. It was followed, in a few days after, by two thousand foot, and one thousand horse, who had arrived from Ireland, under the command of Munroe, but they were wholly destitute of artillery. Nor did the talents of the officers compensate for the deficiencies of the troops. The duke not only wanted capacity for regulating the movements of an army himself, but, likewise, that promptitude of acting according to the suggestions of others, which tended to disqualify him equally for directing or being directed. Callendar, who had been bred in the Dutch service, had ingrafted their mulish obstinacy on his native pride, and constantly thwarted every proposal that did not originate with himself; Middleton had activity, but was only fitted for irregular warfare; and Baillie, lieutenant-general of foot, was one of the continental tacticians, whose military knowledge was ill adapted for meeting the bold and rapid manœuvres, now, by the genius of the English generals, introduced into modern warfare.

A total want of decision characterised this expedition—a natural consequence of the duplicity and hypocrisy upon which it was founded, and of the temporizing politics and wavering disposition of their chief. No party was sincere, and no party trusted the other. The ultras, although those to whom the duke was certainly the most attached, were not admitted to join the army, because they refused the covenant, but they acted in concert with him, while the presbyterians—the natural

allies of the engagers in the contest, had the professions of their leaders been without dissimulation—were rather shunned than courted; for a month the troops lay inactive in the north. There they were joined by Langdale's force, consisting of four thousand foot, and about eight hundred mounted, who, to keep up appearances, remained always a day's march in front of the Scots; but they received their orders from the duke, and their conjunction was considered so complete, that all parties in England, presbyterians and sectaries, united in proclaiming the whole force traitors, covenant-breakers, and malignants—the House of Commons declaring (Die Veneris, July 14, 1648) “the Scots that are come in without the knowledge of the Parliament of England to be Enemies, and all those that aide or joyn with them to be Traytors.”

After garrisoning Carlisle, the Duke of Hamilton remained in Westmorland, apparently without an object, till famine obliged him to proceed, and then, instead of advancing through Yorkshire, as Baillie advised, where he would have found a friendly population, he marched into Lancashire, on the representation of Callendar, that it would be better to exhaust a hostile than a friendly country, leaving Munroe, who would not act under Callendar or Baillie, at Kendal with his troops, the best in the whole army, to wait the arrival of the cannon from Scotland; but with instructions, in case of the main body's being attacked, to fall back upon Appleby castle, or Carlisle, and secure himself till further orders. Langdale, whose corps formed the advanced guard, was entirely trusted with procuring intelligence, while his own cavalry were spread over the country in search of forage.

In this manner the expedition advanced, as three separate divisions, without proper communication with each other, and without a plan.

At Preston, they first learned that Cromwell, who they supposed was still in Wales, had effected a junction with Lambert; and such was the insubordination or indecision of the officers, that although Langdale, who was attacked by surprise, and maintained a contested action in the neighbourhood of that town upwards of four hours, repeatedly sent pressing messages for support, yet the Scottish army remained immovable at a very short distance, and allowed him to be forced into the town before any of them joined, and then, only a few horse, with the general, came to share in his defeat. Driven by the sectaries from the streets, still the bridge was tenable, and the number of the allies double; but dislodged from this also, they abandoned their ammunition in despair, and commenced a disorderly retreat in the night, pursued hotly by inferior numbers. At Wigan they only stopped till the English army advanced, and next morning continued their flight to a pass near Warwick, where they halted, and, turning on their pursuers, defended the place for several hours. A furious assault from the whole of the enemy drove them from their station in disorder to Warrington; there the foot took possession of the bridge, but being deserted by the horse, lieutenant-general Baillie, their commander, capitulated to Cromwell, and they delivered up their arms on condition of having their lives spared. The duke, with the remainder, about three thousand horse, retired upon Uttoxeter, where, jaded and worn out, they sought refuge from the revenge of the countrymen, who, exasperated at their licentious

conduct on the march, destroyed their stragglers wherever they fell in with them ; and the county militia, who were attached to the parliament, at the same time assembling, cut off about five hundred prisoners. According to Cromwell's despatch, the numbers engaged in this battle were—Scottish, about twelve thousand foot, and five thousand horse ; English, under Langdale, two thousand five hundred foot, and fifteen hundred horse, in all twenty-one thousand. Of these, about two thousand were slain, and eight thousand six hundred prisoners. The army that defeated them were not estimated at more than the killed and prisoners.*

* The royalists in England, to whom Hamilton's overthrow was a severe disappointment, vented their chagrin in invectives against Oliver Cromwell's *nose*, which seems at this date to have been a very obnoxious member of the commonwealth. "Nothing," says one of the Ultra journalists of that day, "is heard among the brethren but triumph and joy, singing and mirth, for their happy success—thanks to the devil first, and next to Noll Cromwell's *nose* !—against the Scots, whom they vaunt they have beaten to dust, the truth is, even Duke Hamilton himself was corrupted with money. Why else did he deliver five thousand foot and two thousand horse unto the command of Major-general Baillie, a sworn servant to the kirkmen of Scotland, who surrendered them all up into the hands of Cromwell, without striking one stroke ? The Scots army is totally routed, so great are our sins, and so fierce is the wrath of the Almighty against us. Duke Hamilton being besieged in the town of Uttoxeter, was forced to yield himself and the small handful with him ; and as if the devil had got the sole away of mundane affairs, the most valliant and heroic knight, Sir Marmaduke Langdale, was unluckily surprised, with some other worthy loyalists, as they were sitting in a blind ale-house, where they supposed themselves secure, and carried prisoners to Nottingham castle. Munro, one of the best soldiers in Christendom, is coming on with a powerful army to give Noll Cromwell another field fight ; he hath sent orders to the estates of Scotland, imploring them for a recruit both of men and money, which they have ordered him ; the renowned Earl of Callendar with some troops of horse is escaped to him, with whom he hath united his remnant. If Cromwell can shatter this army also, he will prove himself one of the most fortunate villains that ever acted mischief ; but he will find hard play here, for these will not be laugh't out of their loyalty, or frightened out of themselves with the blasing of his beacon nose."—Parit. Porter, August 28th to September 4th, 1648. In the Merc. Pragmat. he is always designated Ruby Nose. In the Merc. Elenct. the army was made to march "by

His grace was speedily blocked up in Uttoxeter, by a body of the county militia, who amused him with a treaty for capitulating, till Lambert came up and secured him. Callendar; however, with about one-half, refusing to await the issue of his general's timid and irresolute negotiations, broke through the enemy, and escaped. Thus was destroyed an army, which, managed with common prudence, might have effected the object for which it was pretended to be raised, but which was rendered useless, and eventually ruined by a junction with the cavaliers, to whom, by their own declarations, the leaders were in sentiment utterly opposed. When the engagers entered England, Cromwell was occupied in the siege of Pembroke castle; and Fairfax, who was friendly to the presbyterians, was employed in that of Colchester. Had they then issued a declaration, that they meant to liberate the parliament and the king from the thralldom of the independents, and followed it up by a rapid march through the counties attached to their cause, direct to the capital, and cordially coalesced with the two houses, all was in their favour; but their irresolute conduct, the flagrant irregularities of the army, and the more than suspected principles of the commanders, exasperated the people, and allowed their opponents time to concentrate and overwhelm them.

The following curious petition, and proceedings in consequence thereof, in the Scottish parliament, may be

the lighting up of the glow-worm on Noll's nose." And in relating a conversation he is said to have had with the Duke of Glou'ster, when the prince refused to be put apprentice, the conclusion is thus given:—"Almighty Noe makes answer, 'Boy, you must be an apprentice; for all your father's revenues would not make holy satisfaction for the wrong he hath done the kingdom;' and so Noe went out blowing."—*Merc. Elenct.*, February 21st to 23th, 1649.

deemed not unworthy of preservation in a work of this nature. Of the petitioner we have not been able to gather any particulars further than what is stated in the preamble to the petition; but it seems not improbable that he was attached to the royal garrison stationed at Sunderland at the period to which it refers.

“ACT in favours of Major Quinten Muire.

“[The Petitioun of Major Quintyne Mure somtyme town major of Berwick Vnto the Right Honorable The Committie of Billis

“Humble Shaweth

“THAT I have constantlie Remayned in the service of this kindome dureing all thir bygane trubilles wher I did ever acquitt myself faithfullie to my great hurt and prejudice As vpoun the 13: of Marche 1634:* when I wes comandit by the Lord marqueis of Argyll To carrie the lait kingis ma^{ties} lettires from Sunderland to Edinburgh, efter divers gentillmen had refused, I wnder-took that Journey wes taken prissoner and carried to Newcastle where I remayned in prissone Tuentie four houres and being efterwards releived I wes thairefter Robbit and plundered of all that I had by Nyne trowpers who set vpon me and stripped me naiked wherfore I have never as yet gottin any satisfacioun nor my saidis losses refundet me, And albeit I wes oftentimes vrget to have wnder-taikne in that sinfull and vnlawⁿ Ingadgment yet it pleased God I still Refused to have any compliance thairwith HEIRFOIR I humblie beseik yo^r Lo^{ps} to take the premiss^s to yo^r Lo^{ps} serious Consideratioun And to take som effectuall course how my saidis losses may be

* So in the printed copy, but evidently a typographical error for 1643, at which time king Charles was at Oxford.—See *Whitlocke's Memorials*, pp. 63-4.

refoundit vnto me As yo^r Lo^{ps} hes beine pleased to doe to vthires whois necessities and sufferings hes beine lesser nor myne Nor have more constantlie adhered to the caus and Covenant nor yo^r petitioner And sall by gods assistance endeavour to continow constant thairin And yo^r Lo^{ps} ans^r I humblie attend."

"I declare that the supplicant was sent by the comittie of the armie (whereof I was at that tyme president) from Sunderland with letters from his Ma and the nobilitie who wer then at Oxfoord. And that we wer certainlie informed that he was robbed as the supplication bears, on his way toward Scotland.
M. ARGYLL."

"Ed^r 14 July 1649"

"The Comittie of bills having hard and considerit the supplica^oun of the wⁱn namit major Quintine muir towne major of Bervick Schowing th^t he hes still remaynit in the s^rvice of this kingdome since the beginning of thir trublis and hes gotin nothing or werie litle for all his s^rvices and th^t he being sent from Sunderland to Ed^r w^t sum l^rres from the lait king to the Comittie he was takin and robit of all he had to his werie heavie and great prejudice which hes broucht the supplicant to ane werie mean and low conditioun he having ane great famelie to mantain And not having any thing to give tham for th^r mentenance The Comittie foirs^d having sein ane testificat subscrivit be the Lord marques of Argyll schowing that the supplicant hes bein in this publict s^rvice and as he is certainlie informit robit in maner and for the cause foirs^d and also having

sein ane testificat sub^t be Mr Jo^a Drumond q^a had public charge at newcastle testefieing that th^r is yet dew to the supplicant for his bygain s^rvice and imploymentis in the publick the sowme of thrie thowsand aucht hundrithe tuentie tua markis scotis In regaird q^of and of the supplicantis mean condition and constant adherance to the cause and sufferings th^rfor IT is the humble oppinioun of the Comittie th^t the parliament recomend him to the Comittie of money That they may tak course for payment to him of the s^d sowme of 3822 markis quhich is dew to him for his bygain s^rvice in maner foirs^d

M^r J HAY I.P. Com."

"18 July 1649"

"The parl^t approves the report above wretten

LOUDOUN. Can^urius

I.P.D.P.]"*

* Acts of the Parliaments of Scotland temp. Caroli II. Vol. 6, pp. 484-5.

CHAPTER IX.

LOCAL REPUBLICAN INTEREST. SALE OF THE BOROUGH.
SOME ACCOUNT OF COLONEL GEORGE FENWICK.

DURING the civil wars, many of the more ancient and opulent families of nobility and gentry within the county of Durham remained attached to the crown from hereditary principle : Sir William Lambton, Knt., one of the aldermen of Sunderland under bishop Morton's charter, fell at Marston Moor, July 2, 1644 ; the sons of Sir William Belasyse, Knt., the first mayor of Sunderland, fought right gallantly in the royal ranks, and the Hyltons of Hylton Castle ruined a princely fortune in the cause of their sovereign. On the parliamentary side were Sir Henry Vane, the elder and younger, Knights ; Col. Francis Wren, of Henknowl ; Capt. Robert Hutton,* of Houghton-

* Eldest son of Robert Hutton, Esq., of that place, by Elizabeth, daughter of Christopher Fulthorp, of Tunstall, near Stranton, and grandson of the Rev. Robert Hutton, D. D., rector of Houghton from 1589 to 1623. He bore a captain's commission of a troop of horse-guards in Cromwell's army ; served in Scotland ; was with General Monk at the storming and plunder of Dundee ; and, according to village tradition, he built the family mansion-house with the plunder obtained on that occasion : but, as Surtees observes, the building itself affords strong evidence of an earlier date. On May 19, 1659, he was on a "Commission of Charities" issued by the "Keepers of the liberties of England." After the restoration, Capt. Hutton remained zealously attached to the Puritans ; which may probably account for his being buried in his own orchard, where an altar-tomb (now broken) still bears the following inscription :—*HIC IACET ROBERTVS HUTTON ARMIGER. QVI OBIT AVG. DIE NONO 1680. ET MORIENDO VIVIT.* It is said that the captain's favourite charger lies buried in the same place. Amidst a collection of family portraits, the captain appears as a bluff, weather-beaten soldier, with coal-black hair, not cropped like a Roundhead, but flowing over his armour.

le-Spring; Captains Edward and Adam Shipperdson, of Murton and Bainbridgeholme, near Sunderland; Nicholas Heath, of Little Eden, Esq.; Thomas Shadforth, of Epleton, Esq.; Thomas Mitford, of Pespoole, Esq.; George Grey, the elder and younger, of Southwick, Esquires (the former of whom was one of the aldermen of Sunderland); Gilbert Marshall, of Selaby, Esq.; Captain Shaw, of Pittington; Captain Sharpe, of Hawthorne; Captain Rowe; and the noted Lilburnes (who, as Mr. Surtees observes, were at one time, in effect, lords paramount of the borough and port of Sunderland), viz., Robert Lilburne, of Thickley, Esq., M. P., and his brother Lieut.-col. John Lilburne, of independent memory; their uncle, Alderman George Lilburne, Esq., M. P., of Sunderland, and his sons, George and Major Thomas Lilburne, of Offerton, Esq., M. P., of whom the latter is said in his epitaph to have been "one of the instrumental persons in his majesty's happy restoration."

After such an array of local republican interest, including sundry members of the ancient corporation of Sunderland and their family connexions, we cannot wonder that Bishop Morton's charter, and in fact every thing originating in episcopal government, was suffered to expire: and, after the borough became by purchase the property of Col. George Fenwick, almost every spark of warm-hearted loyalty might be said to be extinguished. Both before and after the conveyance of the borough, considerable quantities, amounting in all to the sum of £68,121 15s. 9d., of the episcopal possessions of Durham were disposed of to various parties, by virtue of an ordinance, of which the following is a copy:—

"An Ordinance* of the lords and commons assembled in parliament, for appointing the sale of Bishops' Lands, for the use of the commonwealth, in 1646.

"Whereas by an ordinance of the lords and commons, made the ninth of October, one thousand six hundred and forty-six, the name, title, stile, and dignity of archbishop of Canterbury, archbishop of York, bishop of Winchester, bishop of Duresme, and of all other bishops of any bishopricks within the kingdom of England and dominion of Wales, from the first of September, 1646, is wholly abolished and taken away, and all and every person and persons are disabled to hold the place, function, or stile of archbishop or bishop of any church, see, or diocess, within the kingdom of England and dominion of Wales, by any authority whatsoever; and all counties palatine, honors, manors, lands, tenements, and hereditaments, and other the premisses in the said ordinance mentioned, were and are vested and settled, adjudged and deemed to be in the actual possession and seizin of Thomas Adams, alderman, then lord mayor of the city of London, Sir John Wollaston, Knt., Sir George Clarke, Knt., John Langham, alderman, John Fowke, alderman, James Bunce, alderman, William Gibbs, alderman, Samuel Avery, alderman, Thomas Nowell, Christopher Pack, John Bellamy, Edward Hooker, Thomas Arnold, Richard Glide, William Hobson, Francis Ash, John Babington, Laurence Broomfield, Alexander Jones, John Jones, Richard Venner,

* Not having a parliamentary printer's copy to refer to, we cannot supply the date of this ordinance from official sources, but on the authority of Mr. Surtees (see p. 448), as well as from the preamble to the conveyance of the borough we learn it was the 16th November, under which date Whitelocke informs us "some alterations of the Lords to the Ordinance for the sale of Bishops Lands assented to, others not." — *Memorials*, p. 232.

Stephen Estwick, Robert Mead, and James Storey, their heirs and assigns, upon trust and confidence, that the said persons before named, their heirs and assigns, should have and hold the premisses and every of them, subject to such trust and confidence, as both houses of parliament should appoint, declare, and dispose of the same, and the rents and profits thereof, as the said houses shall order and appoint.

“ Provided and it is further declared and ordained, that whereas the late bishop of Durham, and other his predecessors bishops of Durham, have hitherto exercised and enjoyed as counts-palatine, sundry great franchises, liberties and jurisdictions, commonly called *jura regalia* ; that this ordinance, nor anything therein contained, extend not, nor be construed to extend, to give power or authority to the persons herein named, or any of them, to sell, dispose, or any way to contract for the said *jura regalia*, belonging unto the said bishop or his predecessors as counts-palatine, or any of them ; but that the same shall remain in the said trustees named in a late ordinance, intituled, ‘ An Ordinance for the abolishing of archbishops and bishops, within the kingdom of England and dominion of Wales, and for settling their lands and possessions upon trustees, for the use of the commonwealth, to be disposed of as both houses of parliament shall think fit and appoint’ ; anything in this present ordinance to the contrary thereof contained in anywise notwithstanding.”*

* Seobel's Acts, p. 101 ; Hutchinson's Durham, vol. i., p. 512.

CONVEYANCE OF THE BOROUGH OF SUNDERLAND, AND THE
MANORS OF HOUGHTON-LE-SPRING AND MORTON, TO
COLONEL GEORGE FENWICK.

“ **This Indenture**, made the nynth day of November, in
the year of our Lord God, One thou-
sand six hundred forty and nyne,
between Sir John Wollaston, Knight,
John Fowke, Samuel Avery, Christo-
pher Packe, and Thomas Noell, alder-
men of the Citty of London, James
Bunce, William Gibbs, Francis Ash, John Bellamy, Edward
Hooker, Thomas Arnold, Richard Glyd, William Hobson,
John Babington, Lawrence Bromefield, Alexander Jones,
Richard Vennar, Stephen Estwicke, Robert Meade, and
James Storie, cittizens of the said citty of London, being
all of them p'sons trusted by severall Ordinances of the
Lords and Com'ons assembled in Parliament, with lands
and possessions of the late Archbishoppes and Bishopps,
and with the sale thereof for the use of the Com'on
Wealth, in such sorte as therein is menc'oned, of th'
one parte; and George Fenwicke, of Brinckburne in
the countie of Northumberland, Esquier, of th' other
parte; ~~Witnesseth~~ that the said Sir John Wollaston, John
Fowke, Samuel Averie, Christopher Packe, Thomas Noell,
James Bunce, William Gibbs, Francis Ash, John Bellamy,
Edward Hooker, Thomas Arnold, Richard Glyd, William
Hobson, John Babington, Lawrence Bromfield, Alexander
Jones, Richard Vennar, Stephen Estwicke, Robert Meade,
and James Storie, in obedience to the said Ordinances,
and by virtue thereof, and in execution of the power and
trust thereby com'itted to them, and att the desire and

by the warrant of Robert Fenwicke,* Thomas Ayres, Tymothee Middleton, Richard Turner, James Russell, Edward Cressett and John Blackwell, Esquires, authorized and appointed amongst others, by an Ordinance of the said Lords and Com'ons, made the sixteenth day of November, which was in the year of our Lord God One thousand six hundred forty and six, to treat, contracte, and agree for the sale of the said Lands, in such sorte as therein is menc'oned, and in considerac'on of the some of Twoe thousand eight hundred fifty one pounds, nyne shillings & sixpence of lawfull money of England, the first moyety whereof, being one thousand fower hundred twenty five pounds, foureteene shillings and nine pence, the said Thomas Noell and Francis Ash, two of

* When the lands belonging to the See of Durham were sold by order of parliament, the manor of Bedlington and Choppington farm were purchased, 21st Jan., 1649, and again in 1650, for £1296 0s. 5½d. by Robert Fenwick, Esq., a representative in parliament for Northumberland in 1654 and 1656. According to Dr. Raine (*History North Durham*, p. 365), "he was of the family of Fenwick of Bitchfield," where, carved upon a stone lintel over a doorway leading into one of the rooms, is the following inscription :—

" R F 1622 I F "

probably the initials of himself and wife. He was, continues Dr. Raine, "also one of the contractors for the sale of Bishops' lands, and when he purchased Bedlington and other estates belonging to the see of Durham, there was due to him the large sum of £800 for arrears of salary." The Rev. John Hodgson (*Hist. Northumberland*, part 2, vol. 2, p. 351) says that he "resided at Bedlington, and in 1661 compiled a long and elaborate pedigree of the Fenwick family, a copy of which, with its numerous evidences, drawings of seals, &c., is now in the College of Arms. Perhaps he was the same Robert Fenwick, for whom, upon letters from General Leven, there was an order of Parliament, Feb. 3, 1647-8, for a thousand pounds for his losses and good affections (*Whitelocke's Memorials*, p. 291)." June 11, 1657, Robert Ogle, of Balington, gentleman, gave information before the house of commons, that Sir Robert Collingwood, of Brandon, inveighed against Robert Fenwick, Esq., a member of this present parliament, saying—"He was a base fellow; his father was hanged for felony, and he did wonder who sent him to parliament."—*Journals of House of Commons*, vol. vii., p. 554.

the treasurers in that behalf appointed by the said ordinance of the sixteenth day of November aforesaid, have by wryttinge under their hands, bearinge date the sixth day of this p'sent moneth of November, now p'duced by the said George Fenwicke, and remaininge with him, acknowledged to be payd and satisfied by the said George Fenwicke, accordinge to severall Ordinances of Parliam^t, and in such manner as by the said writting appeares; and the second moyety thereof, the said Thomas Noell the treasurer in that behalf authorized by Act of Parliam^t, bearinge date the eighteenth day of September last past, hath by another writing under his hand, bearinge date the seaventh day of this p'sent moneth of November, nowe alsoe p'duced by the said George Fenwicke, and remayninge with him, acknowledged to be likewise paid and satisfied by the said George Fenwicke, according to severall Ordinances of Parliam^t, and in such manner as by the said last menc'oned writing appeares, ~~Habe~~ granted bargained aliened and sould, and by these p'sents doe grant, bargaine, alien and sell unto the said George Fenwicke, his heires and assignes, the Burrough and Towne of Sunderland-nigh-the-Sea, in the countie or countie palatine of Durham, with the rights, members and app'ten'nces thereof, & all courts p'quisits of courts, burrough rents and other free rents, duties, customes & p'fitts of and belonging to the said burrough. And also the port, haven and creake of Sunderland aforesaid, extendinge itself from the barr and lowe water marke of the sea, unto the new bridge nigh Lumley Park, in the countie of Durham aforesaid, com'only called or knowne by the name or names of Sunderland port, creake, or haven; the anchorage, beaconage, planckage, wharfeage,

ballist shoares, pickage, stallage, poundage, meetage of corne, salt and coles, and all such and the like some and somes of money, duties and benefitts, as were lately heretofore due and paiable to the late bishopp of Durham, in right of the late bishopwicke of Durham, for or in respect of any shipp, vessell, or boate arriveing att, or ladeing or unladeing within the said porte, creeke, or haven, or any part or parcell thereof; and the benefitts, p'fitts, and com'odities from tyme to tyme arising or growing dew, for or by reason of the mettage of any salt, fruites, rootes, victualls and other merchandizes, brought or imported into the said porte, creake, or haven; and also the ferry and passage over the water, porte, or river of Sunderland aforesaid, and like ingresse, egresse, and regresse and landing over the said water, and on both the sides thereof, as bynn heretofore used, and all somes of money, tolles, customes, dutyes, & app'ten'n to the said ferry and passage belonging or appertayning:—which said burrowe & p'misses are menc'oned in the particular thereof, to have bin by ~~Indenture~~ bearinge date the sixteenth day of November, in the ninth yeare of the raigne of the late Kinge Charles, demised by Thomas late bishopp of Durham, unto Sir William Bellasis, Knight, Sir William Lampton, Knight, George Watson and Ralph Allenson, of the city of Durham, aldermen, George Lilborne, of Sunderland, gent., and Thomas Tunstall, of the city of Durham, mercer, for the terme of one and twentie yeares, under the yearely rent of ten pounds, and to be upon improvement of the yearly value of thirty pounds over and above the said yearelie rent reserved.

“ And also the manor of Houghton-in-le-Spring, and all and singular the rights, members and appurten'n'es

thereof, in the countie or countie palatine of Durham; the rents of assize, free rents, copyhold or customary rents, rents seeke, rents service, and all other rents and yearly some and somes of money, com'only called cheife rents, old rents, or quitt rents, unto the said mannor belonging or in anywise appertayninge :—which last men'oned p'misses are men'oned in the said particular, to be of the yearely value of one hundred and sixtene pounds fourtene shillings and nyne pence. And also one p'cell of ground, with the appurten'nc's in Houghton-le-Springe aforesaid, now or late in the tenure or occupation of Robert Hutton, or his assignes, conteyning in breadth towards the east tenn yards or thereabouts, more or lesse, towards the west twenty seven yards or thereabouts, more or lesse, and in length north and south one and twenty yards or thereabouts, more or lesse, within a close there com'only called the West Field; and all that water corne mill, with the appurten'nc's, erected and built in or upon the said parcell of ground, togeather with the way or passage from the said mill, leading from the said mill over a bridge there com'only called the Moore Bridge, through the lands of the said Robert Hutton.

“All that wind corne mill* with the appurten'nc's, in Bishoppes Weremouth, in the said county palatine of Dur-

* The site of this manorial mill at Bishopwearmouth is now unknown. Was it on the stripe of copyhold land lying between Sans Street and Flag Lane, on the north side of Coronation Street, which is described on the Rolls of the Manor of Houghton as “the Mill Garden”? Or did the garden derive its name from three wind mills, shewn on Burleigh and Thompson's plan in 1737, to have then existed either upon or immediately contiguous to the piece of ground in question? The stumps of fruit trees were long visible upon this now valuable piece of property, which remained unbuilt upon until about the year 1793 or 1794, when General Lambton (great-grandfather of the present Earl of Durham) surrendered it in se-

ham, now or late in the tenure or occupation of Martyn Watson, yeoman, or his assigns. The fishinge, or free fishinge, with th' app'ten'nc's, in the river of Weare, soe far as the lands belonginge to the towneshipp of Bishopp Wearmouth aforesaid doth extend; and all waies, easements and liberties of dryinge netts upon the lands in Bishopps Wearemouth aforesaid, neere adjoyninge to the said river, to the said fishinge belonginge or appertaining. All stone pitts and quarries of stone opened and not opened, in any of the wasts or com'ons within the territories and precincts of Bishopps Weremouth aforesaid; and all houses and buildings to the said pitts or quarries belonginge or appertayninge:—which said fishinge, pitts and premises, now are or lately were in the tenure or occup'on of John Sheperdson or his assigns. And also one cottage or tene', with th' appurten'nc's, in Bishopps Weremouth aforesaid, now or late in the tenure or occupac'on of Robert Pattison or his assigns:—which last menc'oned p'misses are menc'oned in the said p'ticular to be of the p'sent yearely valew of six pounds, thirteene

parate plots to Messrs. Richard Markham, Samuel Anderson, George Walton, and Edward Aiskell, Sen., who, or their representatives, again surrendered it for building sites, at increased yearly rentals. In feudal times mills were valuable property (see p. 224): those in the bishop of Durham's manors were frequently in the bishop's hands, and worked by his tenants as part of their customary services due to the lord: at other times they appear to have been let to the tenants at yearly money rents and payments or in kind. In Bishop Pudsey's time, 1183, "The demeane [of Wearmouth and Tunstall] is at farm with a stock of 20 oxen, and two harrows, and 200 sheep, and renders with the mill, £20"—*Boldon Bks.* In the great roll 26 Bishop Beck, 1307, amongst the receipts there is "the mill of Wearmouth, £8 6s. 8d." Under Hatfield's Survey, "the bond tenants of Wearmouth, Tunstall, Ryhope, and Burdon hold the mill and brewery jointly, and pay" And in the Survey of 30 Elizabeth, 1587-8, amongst the "Tenn'ts for tearme of years" in "Busshop Warmouth" we find "Thomas Sparrowe holdeth a Wyndmyll by Indent. dated 23 Jan. Ao 28 Eliz. for xxj years, rent 40s."

shillings eight pence, and to be upon improvement of the yearely valew of eleaven pounds, foure shillings eight pence over and above the said p^esent yearely valewe.

“ And above all that quarrie or stone quarrie, with th’ app’ten’ces, within the p^ecincts and territories of the townshipp of Newbottle, in the said countie of Durham ; and all that water corne mill with the app’ten’nc’s in Newbottle aforesaid, com’only called Newbottle Mill ; and all that p’cell of ground with the app’ten’nc’s, neere adjoyninge to the said mill and therewithall demised, now or late in the tenure or occupac’on of John Butler or his assignes. One messuage or ten’t^e in Newbottle aforesaid, with th’ app’en’nc’s, now or late in the tenure or occupac’on of Mary Stephenson, widdow, and Robert Stephenson, or one of them, their, or one of their assignee or assignes. And all those severall messuages or ten’ts in Newbottle aforesaid, with their and every of their appurten’nc’s respectively, in the severall tenures or occupac’ons of Allice Chilton, widdow, John Chilton her sonne, George Watson and of Anne Wilson, widdow, and William Wilson her sonne, their, or some of their assignee or assignes. The moyety of one oxgange* of land with th’appurten’nc’s, in Newbottle aforesaid, now or late in the tenure or occupac’on of William Causon, or his assignes. One other messuage or ten’t^e with the appurten’nc’s, in Newbottle aforesaid, now or late in the tenure

* An oxgang was as much land as a team of oxen could plough and make ready for sowing in a year. It was different in extent in various places, perhaps from the nature of the soil. In Boldon Buke it varies from eight acres to twenty. There were attached to it tofts and crofts, as also meadow and pasture land, included under the general appellation of bovat^e.—*Glossary to Greenwell’s Translation of the Boldon Buke.*

or occupac'on of Robert Sharpe, or his assignes. And alsoe one cottage or ten'te, with th'app'ten'nc's, in Newbottle aforesaid, now or late in the tenure or occupac'on of William Surret, or his assignes.

"And alsoe the mannor, farme or towneshippe of Moreton, with the rights, members and app'ten'nc's thereof, in the said countie of Durham, nowe or late in the tenure or occupation of Sir Richard Bellasis,* Knight, or his assignes; and all coale mynes, quarries of stone, and other mines and quarries opened and not opened, with their and everie of their appurten'nc's, within the said farme or towneshippe of Moreton aforesaid, now or late in the tenure or occupac'on of the said Sir Richard Bellasis, or his assigns;—which last menc'oned p'misses are menc'oned in the said p'ticular to be of the present yearely valew of thirty and six pounds, seaventeene shillings and three pence, and to be upon improvem't of the yearly valew of one hundred sixty one pounds over and above the said p'sent yearely valew.

"And also all and singular messuages, cottages, tofts, crofts, mills, dovehouses, houses, edifices, buildings, barns, stables, orchards, gardens, and curtilages, lands, ten'ts, coppyhold or customary lands, meadows, leasowes, pastures, feedings, lands arrable, woods, underwoods, tymber

* Eldest son and heir of Sir William Belasyse, above-named. He married, first, Elizabeth Spooner, daughter of of Chancery Lane, London, by whom he had two sons—William Belasyse, of Owton, Esq., and Richard, who died s. p.; and one daughter, Catharine, wife of Henry Talbot, of Burroby, Yorkshire, Esq. Sir Richard married, secondly, Margaret, daughter of the gallant Sir William Lambton, of Lambton, Knt., by whom he had a daughter, Margaret, and one son, Sir Henry Belasyse, of Brancepeth, Knt, M. P. for the city of Durham, in the parliaments of 1701, 1702, 1705, and 1710, and governor of Berwick-upon-Tweed, who died Dec. 16, 1717, aged 70.

trees and other trees, heaths, moores, marshes, marsh grounds, furs, wayes, passages, easements, com'ons, grounds used for com'on, wasts, wast grounds, rivers, streams, waters, watercourses, weares, dams, stancks, mil-pooles, sluces, floodgates, fishponds, fishing, hawking, hunting, fowlinge, viewes franckepledge, what to view of franckepledge app'teyneth, courts leete, law days, courts baron, hallmott courts, sherifs turne courts and all other courts whatsoever, services, franchises, customes, custome works, forfeitures, wardshipps, marriages, escheates, releifes, heriotts, fines, issues, amerciam^u, perquisitts and p'fitts of the said courts and leetes and of every of them, goods and chattels of felons, and fugitives, felons of themselves, outlawed p'sons, clerks convicted and of p'sons past in exigent, wayfes, estraies, deodands, mynes opened and not opened, quarries, wrecks of the sea, rights, royalties, jurisdic'ons, liberties, priviledges, im'unities, p'fitts, commodities, advantages, emolum^u, possessions and hereditaments whatsoever, with their and everie of their appurtenances, of what nature and quallity soever they be, to the foresaid burrough of Sunderland, and to the foresaid mannor or mannors of Houghton-in-le-Springe and Moreton or either of them, or to the said mills, messuages or ten'ts, and other the lands and p'misses above mentioned, and to everie or any of them belonging or in anywise appertayning, or with them or any of them, or any of them or any p'te or p'cell of them, or any of them respectively demised, leased, used, occupied or enjoyed as p'te, p'cell or member of them or any of them, and as amply and fully as any late bishopp of Durham, in right of the late bishoppricke of Durham, or any other p'son or p'sons, ten'nte or ten'nts, clayminge by, from, or under

him, them, or any of them, his, their, or any of their estates, at any time within the space of tenn yeares next before the begin'ing of this p'sent parliamen^t, or sithence had held, used, or enjoyed, within the said burrowe, mannor, and p'misses, or in right of the said borough, mannor, and other the p'misses above menc'oned, and everie of them, or any parte or p'cell of them or any of them :— which last menc'oned p'misses are menc'oned in the said p'ticular to be of the p'sent yearely value of tenn pounds. And the reverc'on and reverc'ons, remainder and remainders, of the said mannor, borough, lands & p'misses, & of everie parte and parcell thereof. All which said mannor, borough, lands & p'misses late were parcell of the possessions of the late bishoppicke of Durham.

“ Except and alwaies reserved out of this p'sent bargain, sale and conveyance, all messuages and cottages with their app'ten'nc's respectively, and all lands and ten'ts with the said messuages or cottages respectively demised, p'cell of or belonging to the said mannor of Houghton-in-le-Springe and not p'ticularly menc'oned in this p'sent indenture. And alsoe except all advowsons of parsonages or viccaridges, all rights of p'sentac'on to any church or chappell, all parsonages, impropriate tythes and porc'ons of tythes, oblac'ons, obvinc'ons, publicke chappells, churchyards and places used for burialls, donatives, and all such other things as in & by the said ordinances or any of them are saved or excepted or appointed to be saved or excepted or not to be sould.

“ To have and to hold the said manor, borough, lands, ten'ts & hereditam^{ts}, and all and singular other the p'misses, before, in, and by theise p'sents granted, aliened, bargained, or sold, or meant, menc'oned, or intended to

be hereby granted, aliened, bargained, or sold, with their and everie of their rights, members, and app'ten'nces (except before excepted) unto the said George Fenwicke, his heires and assignes for ever, to the only use and behoofe of the said George Fenwicke, his heires and assignes for ever, as amply as the said Trustees, by any the severall Ordinances of Parliam^t, for sale of the lands and possessions of the late archbishops and bishops ought to have held and enjoyed, and are thereby enabled to convey the same, discharged of all demands, paym^{ts}, and incombrances, as amply as is ordeyned by any of the said severall ordinances of parliament made in that behalfe.

"In ~~Witness~~ whereof, the p'ties aforesaid to theise ~~Indentures~~ interchangeably have put their hands & seales, the day and yeare first above written.

"And be it remembered, that on the twentieth day of November, in the year aforesaid, the said
AYLETT. Stephen Estwick came before the Keepers of the Liberties of England by authority of Parliament, in chancery, and acknowledged the said indenture, and all and singular the matters therein contained and specified in manner aforesaid."*

COLONEL GEORGE FENWICK, above named, was the eldest son of George Fenwick, of Brinkburne, by his wife Dorothy, daughter of John Forster, of Newham, in the county of Northumberland. He was twelve years old in 1615, in which year he had a legacy of £100 by

* From the Original in the Public Record Office, Rolls' Chapel, Rolls' Yard, Chancery Lane, London.

the will of his uncle Gregory Fenwick, of Brinkburne.* He was an active parliamentary officer; served in Ireland, where, in May, 1647, his troop "defeated a party under the Earl of Westmeath on great disadvantage, where Captain Farrington, one lieutenant, one ensign and sixty souldiers of the parliaments were slain, and the rebels lost three hundred."† For this and other gallant services, the parliament (August 18) passed an "order for a day of thanksgiving for the great success in Ireland, and for £1000 for Col. Jones, £1000 to Col. Fenwicke, and other gratuities to other officers in this service."‡ Returning from Ireland, the next year, 1648, he and Col. Robert Lilburne and Major Sanderson defeated Sir Richard Tempest, and took several officers and gentlemen of note prisoners (see pp. 457-464). Early in September, Col. Fenwick, with his "horse and some dragoons, relieved Holy Island, near Berwick-upon-Tweed, and stormed Fenham Castle, in which was a garrison of Scotts."§ In the following month (Oct. 30), letters were received petitioning, inter alia, "for pay for 1200 foot in Berwick, and a regiment of horse under Col. Fenwick."|| On the 23rd May, 1648, mention occurs of an ordinance to settle the militia in the northern counties; George Fenwick, Esq., Sir Arthur Haslerigg, Bart., and others being upon the committee appointed for the town and county of Newcastle-upon-Tyne.¶

* Hodgson's Northumberland, part 2, vol. ii. p. 115.

† Whitelocke's Memorials, p. 263.

‡ Ibid, p. 268.

§ Ibid, p. 330.

|| Ibid, p. 341.

¶ Brand's Newcastle, vol. ii. p. 474.

Col. George Fenwick was one of the commissioners for Northumberland for sequestration.* He was appointed to the office Dec. 5, 1644, and signs as such at Newcastle, Sept. 27, 1649. On the 8th March, 1650, he was admitted and sworn a free burgess of Newcastle-upon-Tyne,† and on 5th July following, it was "ordered, that Colonel George Fenwick, Sir Arthur Hesilrigge, Sir William Strickland, and Sir Thomas Widdrington, or any two of them, be, and are hereby appointed, visitors of the hospital of Gretham and Sherborne in the county of Durham; and that the lords commissioners of the great seal of England do grant them a commission accordingly."‡ The colonel proceeded again to Ireland, where, with 1000 foot, he greatly distinguished himself, as appears by a letter received by the council of state, July 8, 1650, from Sir Charles Coote, informing them of a victory obtained by the parliamentary army over the Irish, wherein "those officers of ours that were most eminently instrumental in that great victory were Col. Fenwick, Col. Rich. Coot, Lieut. Col. Gore, and Captain Duckinfield, whom [continues Sir Charles] I have presumed to add, because their merits have justly deserved this my acknowledgement, to the end (if your honours

* The following note is inserted amongst the proceedings of the Committee of Sequestrations for the County of Durham: Apud Sunderland, xi Sept. 1644.

The names of the most notorious Delinquents within the Countie of Durham: Sir Thomas Riddell, jun.; Sir Thomas Liddell, Bart.; Sir Thomas Tempest, Knt.; Walter Balcanquall, Deane of Durham; Jo. Heath, Esq.; William Collingwood, Gent. Under Sheriff; Thomas Burwell, Spiritual Chancellor; Mr. Francis Salvin; John Jackson, Lieut.-Coll.; Coll. Cuthbert Conyers; Coll. Errington and his son; Thomas Swinburne, Esq.—*Surtess's Durham*, vol. i., part i., p. 100.

† Brand's Newcastle, vol. ii., p. 477.

‡ Journals of House of Commons, vol. iii., p. 437.

think fit) some mark of honour may be conferred upon them."* Recrossing the channel, it is probable that he accompanied Cromwell into Scotland, and was present at the battle of Dunbar, Sept. 3, 1650, when he wrote to Sir Arthur Haslerigg, Bart., governor of Newcastle, informing him of the number of Scottish prisoners he had to expect coming southward. Respecting these poor creatures who, according to Whitelocke, "were driven like turkies by the English souldiers, and went along cursing their king and clergy for insnaring them in misery,"† Sir Arthur Haslerigg, in a letter to the council of state, dated at Newcastle, October 31, 1650, observes, "when they came to Morpeth, the prisoners being put into a large walled garden, they eat up raw cabbages, leaves and roots, so many as the very seed and labour at 4d. a day, was valued at £9; which cabbage (they having fasted as they themselves said near eight days) poisoned their bodies, for as they were coming from thence to Newcastle, some died by the way side: when they came to Newcastle I put them into the greatest church in the town, and the next morning when I sent them to Durham, about 140 were sick and not able to march—three died that night, and some fell down in their march from Newcastle to Durham and died. On being told into the great cathedral church, they were counted to be no more than 3,000, although Col. Fenwick wrote me that there were about 3,500."‡ It appears from Haslerigg's letter, that during their short stay in Newcastle, the prisoners at night were chiefly lodged in St. Nicholas's church, where

* Whitelocke's Memorials, p. 448.

† Ibid, p. 456.

* Brand's History of Newcastle, vol. ii., p. 481.

they did considerable damage, and in addition to a violent disorder occasioned by fatigue, exposure, and unwholesome food, were so gorged with the cabbages they had eaten at Morpeth, as to pollute the whole pavement, which required active measures of sanitary reform next day.* A portion of them were also lodged in the chambers of the Trinity House, when the brethren of that "misterie" or fraternity, on "Sept. 23, 1650, paid to two men that watched the prisoners and the garde that they did no harme the first night the Scotts presoners came to the Trinity House, 2s."† About the close of the year the castle of Edinburgh, hitherto a virgin fortress, surrendered without a shot; letters received January 18th, 1650-1, informing the council of state, "that Col. Fenwick took possession of Edinburgh Castle, as governor thereof."‡

Immediately after the taking of Edinburgh Castle, Cromwell sent Col. Fenwick, with his own and Col. Syler's regiments, to capture Hume Castle. On arriving in the vicinity, Col. Fenwick drew up his men, and sent the governor the following summons: "His Excellency the Lord General Cromwell hath commanded me to reduce this castle you now possess, under his obedience, which if you now deliver into my hands for his service, you shall have terms for yourself and those with you: if

* Paid for the clensing of Nicholas church, where the Scotts prisoners was kept on whole night, \$5 1s. 11d. Paid for coles and candles for the guards at Nicolas church, and for 2 tarrbarrells to burn naughty meat with, 8s. Paid William Whittaker, grave maker of Allhallowes, for making of 23 graves for the Scotch prisoners, at 4d. per grave, 7s. 8d.—*Extracts from the municipal accounts of Newcastle*, Oct 1650, printed by M. A. Richardson.

† Brand's Newcastle, vol. ii., p. 329.

‡ Whitlocke's Memorials, p. 463.

you refuse, I doubt not but in a short time, by God's assistance, to obtain what I now demand. I expect your answer by seven of the clock tomorrow morning; and rest your servant, GEORGE FENWICK." The governor, whose name was Cockburn, being, it seems, a man of some fancy, returned this quibbling answer: "RIGHT HONOURABLE,—I have received a trumpeter of yours, as he tells me, without a pass, to surrender Home castle to the Lord General Cromwell: please you, I never saw your General. As for Home castle, it stands upon a rock. Given at Home castle this day before seven o'clock. So resteth, without prejudice to my native country, your most humble servant, T. COCKBURN." This taunting reply caused our colonel to plant a battery against that fortress immediately; further letters received February 7th, informing the council "that Col. Fenwick with the great guns played against Hume Castle, and that the governor sent this letter to him:—

' I, William of the Wastle,
Am now in my Castle,
And awe the Dogs in the Town,
Shand garre me gang down.'

The gallant Cockburn was, however, forced to surrender. Letters received February 10th, intimating "that the mortar pieces had done great execution against Hume Castle, and spoiled many rich goods there, and the great guns had made breaches, whereupon Col Fenwick resolved upon a storm, and the officers cast lots who should lead on to it. But the governor beat a parley; Fenwick refused to treat, unless they would presently surrender upon quarter for life, which they did, and Fenwick appointed some officers to look to the equal sharing of the

goods among his souldiers, only the governors lady had liberty to carry out some of her goods and bedding for her accommodation."*

On the 16th December, 1651, the lord chief justice St. John, Sir Henry Vane, Jun., major-general John Lambert, major-general Dean, lieutenant general Monk, colonel George Fenwick, alderman Tichburne, and major Salwey, were by commission of parliament appointed commissioners to go into Scotland to treat with the Scots.† In the following year Col. Fenwick was appointed governor of Berwick-upon-Tweed; and on 5th July, 1654, he was elected M. P. for that ancient borough, an honour which was again conferred upon him 3rd Sept. 1656.‡ A change had however come over the scene. Cromwell, notwithstanding he had used every art in his power to influence the elections, still found that the majority would not be favourable to him: he set guards, therefore, on the door, (Sept 17) who permitted none to enter but such as produced a warrant from his council; and the latter rejected about 98, who either refused a recognition of the protector's government, or were on other accounts obnoxious to him. These protested against so egregious a violence, subversive of all liberty; but every application for redress was at least for a while neglected both by the council and the parliament. Amongst the members not admitted on this memorable occasion were Col. George Fenwick, Sir Arthur Hasle-rigg, Bart., Thomas Bowes, Henry Tempest, and James Clavering, Esquires.§

* Whitelocke's Memorials. pp. 463-4.

† Ibid. p. 493.

‡ Hutchinson's Northumberland, vol. ii., p. 92

• Whitelocke's Memorials p. 642.

Col. Fenwick was twice married : first to Alice, daughter of Sir Edward Aspley, of Wormanhurst, in the county of Sussex, and widow of Sir John Brotlee, by whom he left two daughters—Elizabeth Fenwick eldest daughter and co-heiress who married Sir Thomas Haslerigg, of Noseley Hall, Bart., son of the well known Sir Arthur ; and Dorothy Fenwick second daughter and co-heiress, wife of Sir Thomas Williamson, Knt. and Bart., of East Markham, Nottinghamshire, the son and heir of Sir Thomas Williamson of that place who was created a Baronet, 3rd June, 1642—a devoted loyalist, who lost £30,000 in the king's cause. Col. Fenwick's second wife (by whom he had no issue) was Catharine* eldest daughter of Sir Arthur Haslerigg,† Bart., of Noseley Hall in the county of Leicester. She was born at Brooke House, London, in November 1635. She remarried Col.

* In a Pamphlet, entitled *Proceedings and Votes of the late Half Quarter Parliament, called the Rump*, 1660, ordered.—That Sir Arthur Haslerigg's daughter go no more with her father's clerk to eat a sixpenny minc'd pye, in an open cook's shop ; or, if she do, that she go up stairs, and not sit in one of the small rooms where none but porters drink, lest she bring a great scandal upon her family.

† In the chancel of the church at Noseley, is a large tombstone of black and white marble, with the effigies of three persons ; a man in armour and two women. On the pedestal are the figures of twelve persons kneeling, the children of Sir Arthur Haslerigg by his two wives, as described in the following inscription : “ Here lyes Sir Arthur Hesilrige, Baronet, who injoyed his portion of this life in y^e time of greatest civill troubles y^t ever this nation had. He was a lover of liberty, and faithfull to his country. He delighted in sober company ; and departed this life, 7th of January, in England's peaceable year, Anno Dom. 1660.—Here lyes Dame Frances Hesilrige, daughter of Thomas Elms, of Lilford, in y^e county of Northampton, Esq. She was charitable, prudent, virtuous, and a loving wife. Sir Arthur Hesilrige had by her two sons and two daughters. She died in y^e year 1632.—Here lies Dame Dortha Hesilrige, sister to Robert Greevill, Lord Brooke, and Baron of Beauchamps-Court. God gave to her true and great wisdom, and a large and just heart : she did much good in her generation. Sir Arthur Hesilrige had by her three sons and five daughters. She left this life y^e 28 of January, 1650.”—*Beauties of England and Wales*, vol. 9, p. 453.

Philip Babington, another celebrated character during the commonwealth, and died at Harnham,* in the parish of Bolam, Northumberland, Aug. 28, 1670, where she was interred in a vault cut out of a rock in the garden, now called the Tomb-garden. "She was interred in a leaden coffin, most of which, and some of the bones, were remaining when Mr. Wallis [the first historian of Northumberland] visited the place [in 1760]. Some faws [itinerant besom-makers, tinkers or muggers], however several years since, rifled the tomb, and stole part of the coffin; but the following inscriptions, the first on stone, the second painted on wood, still remain within it :—

1. Here lyeth the body of Madam Babington, who was laid in this sepulchre the 9th Sep. 1670.

My time is past as you may see,
I viewed the dead as you do me;
Or long you'll lie as low as I,
And some will look on thee.

2. In hopes of future bliss contented here I lie
Though I would have been pleased to live, yet was not displeased to die;
For life hath its comforts and its sorrows too,
For which to the lord of heaven our most grateful thanks are due;
If it was otherwise our hopes here would rest
Where nature tells us we cannot be blest
How far my hopes are vain or founded well
God only knows, but the last day will tell.

The reason of her being buried there is plain, from the following extracts from the registers of Bolam: 'Madam Babington dyed the 28th of August, 1670, and was laid in a sepulchre (y^e 9th of September) hewen out of a rocke

* On one pane of glass, still preserved there, is written with a diamond, "Philip Babington, Sep. 5, 1668,—K. Babington, Sep. 7, 1668:" and on another, "How vain is the help of man: K. BABINGTON. Omnia vanitas June 9th, 1670."

in Harnham.' The unusual length of time between her death and burial was probably occupied by negotiations for burying her remains at Bolam, and in making the tomb; for Mr. Forster* [Fenwick?], who was vicar of Bolam, has this memorandum in a register book:—'Old John Davison, of Bolam, who was a man at the time of her burial, told me that Madam Babington was excommunicated; and, for that reason, Mr. Forster, the then vicar of Bolam, would not allow her to be buried at the church. She was a dissenter, and for some cause or other being prosecuted in the spiritual court was excommunicated,' a sentence about that time very frequently denounced upon dissenters for contempt of court."† Hutchinson condemns this proceeding in his severest manner. "It is a disgrace" says he, "to a polished and enlightened nation, that such a court has existence; but to a state professing the rights and religious tenets, and enjoying the liberty of Britain, it is infamy! A court

* The Rev. George Forster was inducted vicar of Bolam 24 Sept. 1640, after the death of Thomas Falder. He was ejected by the rebels in 1646, and severely fined for not giving up the living quietly. He had £4 6s. 8d. a year allowed him out of it, which they called *Mths* and that ill paid; so that he was forced to take a small farm to support his family; where he was frequently dragooned and plundered of his hay, corn, &c. He was twice like to have been imprisoned at Newcastle; but he got bail. He continued in private to perform holy offices, according to the Common Prayer Book, which made some addition to his subsistence. Sometime before the restoration, they gave or allowed him to take the small chapel of Witton, worth about £4 a year. He was restored to his living in 1660, and died in 1694 aged 81, when he was succeeded by the Rev. Joseph Bonner, who died in 1721, whose successor was George Fenwick, M. A. of Christ College, Cambridge, and chief of that ancient name. Mr. Fenwick held the vicarage of Bolam upwards of 68 years, and died on the 27th of April 1770, aged, 82, and was interred in the family ground at Morpeth. There are several curious memoranda, medical and historical, in Mr. Fenwick's hand-writing, in the registers there—*Hodgson's History of Northumberland*, Part 2, vol. 1, p. 340.

† Hodgson's *Northumberland*, part 2, vol. i., p. 346.

where, in despite of the right of trial by juries, property is disposed of by arbitrary sentence, and where the grossest acts of inquisitorial iniquity are daily practised; such as private examination of witnesses and suppression of evidence: and yet this scab upon the constitution remains uneradicated."* "Mr. Forster certainly carried his grudge and resentment against the whigs, for the treatment he met with during the commonwealth, to a great length. The registers notice that he refused burial to a son of the Bolam blacksmith, who pulled him out of the pulpit when he was first ousted from his living. One of the Hasleriggs of Swarland, a relative of Mrs. Babington, was about the same time buried in a field near his house; Mr. George Horsley [great-great-grandfather of Lady Decies] of Milburne Grange, gent., by will dated Aug. 17, 1684, directed his body 'to be buried in mine orchard' at that place, [and it has been just shown that several members of the family of Chamber of Cleadon were interred in the stackyard attached to their farm house there, and that Captain Hutton was buried in his orchard at Houghton-le-Spring, in August, 1680: see pp. 225, 473]. The quakers and presbyterians, indeed, became prejudiced against churchyard burial. They objected to the use of the ritual for the burial of the dead, and chose tombs and sepulchres for themselves."†

Whilst Col. Fenwick was in possession of the port and borough of Sunderland, it seems that he suffered some annoyance from Michael Crake, who claimed the office of water bailiff, and the emoluments derived therefrom, whereupon the colonel sent a deputation (Nov. 4, 1654) to

* View of Northumberland, vol. 1., p. 218.

† Hodgson, p. 347.

Robert Adamson, then one of the principal custom house officers, and subsequently (in 1655) a letter to that gentleman, requesting him not to pay the ship duties to Crake or any one else.*

Sometime after 1641 Col. Fenwick (as will be noticed hereafter) became possessed of the cell or monastery of Monkwearmouth, being that part of the ancient parish of Monkwearmouth forming the township of Monkwearmouth-shore, which descended to his two co-heiresses above-named. Dorothy Fenwick, subsequently well known as the charitable Dame Dorothy Williamson, purchased of her nephew Sir Thomas Haslerigg, Bart., her elder sister's moiety of the estate, and, having no issue of her own, entailed her property on her husband's family, in which it remains, being now (with the exception of some small portions sold by him to the Wearmouth Dock and North Eastern Railway Companies) the inheritance of Sir Hedworth Williamson, the seventh Bart.

On the 1st June, 1650, Col. Fenwick purchased of the parliamentary trustees for the sum of £2091 16s. 3d., parcel of land in Ryhope† also belonging to the bishop of Durham, which together with the borough of Sunderland and manor of Houghton-le-Spring, &c. were held by the family until the restoration of Charles II. in 1660, when the see of Durham was re-established with all its former powers, dignities, officers, privileges, and possessions. With the return of the king, came the return to Sunderland of its lawful owner, the bishop of Durham.

It is presumed no documentary evidence exists to prove that any Court Baron was ever held by Col. Fenwick, in

* Spearman's Enquiry, p. 32.

† Hutchinson's Durham, vol. i., p. 514.

and for the borough of Sunderland, under his parliamentary title ; but both he and his heiresses appear to have held their courts for the manor of Houghton, same as the bishops of Durham had previously and (until recently when they were superseded by the Ecclesiastical Commissioners) have hitherto done, as the following extracts from the books of the Halmote Court will shew :—"The Halmote Court of the Right Honourable George Fenwick, Esq. held at Houghton the eleventh day of Aprill, 1656, before George Kirkby, Gent. [under sheriff for the county of Durham in 1650, 1654, 1656, and 1659], deputy of Anthony Pearson, Esq., steward." "The Halmot Court of the Right Worshipful Elizabeth Fenwick and Dorothy Fenwick, daughters and heirs of George Fenwick, Esq., deceased, held at Houghton in the Spring, 12 Oct., 1658."*

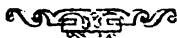
Colonel Fenwick died March 15th, 1657, and was buried in the church at Berwick-upon-Tweed, nearly opposite the pulpit, with the following inscription to his memory :—COL. GEO. FENWICKE OF BRENKBURNE, ESQ. GOVERNOR OF BERWICK IN THE YEAR 1652, WAS A PRINCIPAL INSTRUMENT OF CAUSING THIS CHURCH TO BE BUILT ; AND DIED MARCH 15TH, 1656. A GOOD MAN IS A PUBLIC GOOD.† It is perhaps not unworthy of remark, that in the Gentleman's Magazine, for Nov. 1847, a party under the name of "Novanglus," writes from New York, 1st June 1847, respecting a Colonel George Fenwick, requesting information on purely historical grounds. He states Fenwick to have been "a Cromwellian, a member of the Long Parliament, and also previously a pro-

* Surtees's Durham, vol. i, p. 104.

† Fuller's History of Berwick, p. 183.

vincial agent of the puritan Lords Say and Sele, and Brooke, in New England, where he founded a jurisdiction called Say-brook, and where he lived and presided several years. Returning however to England, he took an active part in the civil struggle of that period. He died in 1657, in Sussex, where his will was legally proved. His wife was lady Alice 'Boteler,' who died in America, and whose tombstone without inscription is still standing on the bank of the Connecticut, near their ancient residence in Say-brook, alone in a common field, an object of curiosity to the stranger, and of hereditary interest to the inhabitants. Fenwick is stated by Winthrop, the ancient historian of New England, to have been of 'Gray's Inn,' which may perhaps give a clue to some existent record respecting him."

Such is the substance of the communication and enquiry made in the pages of the veteran Mr. Urban. It seems extremely probable that the governor of Berwick and the governor of Say-brook are identical, in spite of the variations which appear in the name of his wife, and the year of his death: the first might very easily arise from a mis-transcription, and the second from the fact of the date of the colonel's death being carelessly written 1657—the historical year, instead of 15th March 1656-7, the year 1657 not beginning (according to the civil or legal and ecclesiastical calculation or old style, which remained in force until 1752 when it was altered) till the 25th March.



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ADDITIONS AND CORRECTIONS.



In a publication like the present, comprising information from so many different sources, errors and omissions are unavoidable: but these, the Editor hopes, are few in number, and the most important of which are here pointed out.

Page. Line.

13 6 *for* occupying, *read* adjoining.

56 1 *dele* same.

64 16 *for* north by east, *read* east by north.

118 2 *for* admission fees, *read* accustomed fees.

126 last line of note. The date of the surrender is April 30, 1711.

129 16 *for* pretending, *read* intending.

130 14 *for* 31, Church Street, *read* 21, Church Street.

A similar correction to be made at page 138, line 11; page 183, line 2 from bottom; and at page 258, line 2. We may observe that Mr. Richard Robinson's malting (some fragments of which remained till very lately) stood on the west side of Church Street, immediately opposite to Church Walk and the Rectory garden. It is intended to be the site of a Roman Catholic Chapel.

264 9 *for* Thomas Ayres' Key, *read* Robert Ayres' Key.

Page 268. *Note* § Nicholas Taylor, who is said to have communicated the particulars of the destruction of the Roman Catholic place of worship to the *Gentleman's Magazine*, was a coal fitter of Sunderland. He was buried in ground then on the south side of Bishopwearmouth Church, but now, by the alterations and additions made to that edifice in 1849, included in the south transept. The grave which was of brick, was covered by a large flat stone slab (from which one corner had been broken off), bearing the following inscription:—"The burying place of Charles Selby. Here lies the Body of Nicholas Taylor, of Sunderland, who departed this Life, the 18th of June, 1777. Also with here interred ye Body of Mary Pattison the wife of Charles Pattison who departed this Life ye 20th of July 1779 aged 60 years. Charles Pattison died March 6, 1781 aged 71 years."

Charles Selby, above named, was probably the Charles Selby, of Sunderland, gentleman and coal fitter, aged 45 years in 1691, who in that year was a witness in a dispute respecting the Harraton and Lambton collieries. (*Gowland's MSS.*) It is presumed the families of Selby, Taylor, and Pattison intermarried. The latter family (now represented by Mr. Henry John Dixon, bookseller, &c., 217, High Street, Bishopwearmouth, son of Mr. Pattison Dixon, Officer of Customs, Sunderland) were an old and highly respectable family, and extensive copyholders in

536 ADDITIONS AND CORRECTIONS CONTINUED.

Bishopwearmouth, as appears by the following extracts from the Survey of 30 Queen Elisabeth, 1587-8 :—

“Ten’nts by Copie at the Halmott Courtt.”

	£	s.	d.
“ Robt Patteson holdeth one Mess. with th Apprten’ne’s, rent . . .	0	39	8
“ Xpofer Wharton and Will’m Patteson a Mess., rent . . .	4	6	8

“Ten’nts for tearme of years.”

“ Robt Patteson holdeth one Cott and XV acres of land by Indent. dat.

28 Ap’ell, A° 26 Eliz. for xxj years, rent.”	0	15	4
--	---	----	---

The family continued on the roll of copyholders in Bishopwearmouth during many generations, and on the 18th May, 29 Charles II., 1677, Christopher Pattison was admitted nephew and heir of Christopher Pattison deceased, to wit, son of Robert Pattison elder brother of the said Christopher, to one parcel of land lying in the Pan Field [west], containing by estimation, in length sixty yards, and in breadth twenty four yards, be the same more or less, abutting upon the lands of Geo. Crozier on the west, the King’s highway on the east and north, and on lands pertaining to the Rector of Wearmouth on the south. To have to the said Christopher Pattison the nephew and his sequels in right. This property was surrendered, 23rd April, 4 James II., 1688, by the said Chr. Pattison to John Ord and Elisabeth his wife, the latter of whom, with her son Thomas Ord surrendered it, 7th Jan., 6 George I., 1719, to John Owen, from whom it passed, 15th August, 6 George I., 1719, to Christopher Thompson. May 28, 1750, Catharine wife of William Maling, and daughter and sole heiress of the said Chr. Thompson, was admitted to the same premises, which were next day surrendered by Wm. Maling and Catharine his wife to Matthew Carr, whose son Matthew Carr, Esq., was admitted 27th Nov. 1766. On the 16th April, 1773, Matthew Carr, Esq., son and heir of the said Matthew Carr, deceased, Thomas Maling of Scarborough, Francis Blakiston of Sunderland and John Charlton late of the same place but then of Bedlington Forge, which said Thos. Maling, F. Blakiston and J. Charlton, together with John Maling, deceased, were devisees in trust named in the last will of the said Wm. Maling, and Christopher Thompson Maling of Hendon Lodge, eldest son and heir and also a devisee named in the last will and testament of the said William Maling, surrendered the same premises to William Russell of Sunderland, aforesaid, afterwards of Brancepeth Castle, merchant.—*Hugall’s M S S.*

280 15 for sometime, read sometime.

280 above the Shield insert HATFIELD.

280 note. In 1440, Robert Jakson, of Farnton Hall, and bailiff of Sunderland, held property in Danyellees or Danyelfield in the parish of Lancheester.—*Surtees’s Durham*, Vol. II., p. 334.

296 17 for Trylstanhugh, read Thrylstanhugh.

END OF VOL. I.



W. Roberts sc

MAJOR GENERAL
SIR HENRY HAVELLOCK, K.C.B.

THIS PLATE IS PRESENTED BY
RICHARD LAURENCE PEMBERTON ESQ^{re} J P BARNES, BISHOPWEARMOUTH
TO THE HISTORY & ANTIQUITIES OF SUNDERLAND BISHOPWEARMOUTH &c &c.

MEMOIR
OF
THE LATE MAJOR GENERAL
SIR HENRY HAVELOCK, K.C.B.;

WITH NOTICES OF HIS DEATH,

EXTRACTED FROM THE LONDON AND LOCAL PRESS:

AND A

REPORT OF THE MEETING HELD AT SUNDERLAND,
JANUARY 22, 1858,

TO ORIGINATE AND PROMOTE SUBSCRIPTIONS FOR THE

Erection of a Monument to his Memory,

IN THE PARK, AT BILDON HILL, BISHOPWEARMOUTH;

WITH A LIST OF SUBSCRIBERS.

Entered at Stationers' Hall.

SUPPLEMENTARY TO THE HISTORY AND ANTIQUITIES OF
SUNDERLAND, BISHOPWEARMOUTH, ETC.

SUNDERLAND:

PRINTED AND PUBLISHED BY JOSEPH TATE.

1858.

MEMOIR
OF
THE LATE MAJOR GENERAL
SIR HENRY HAVELOCK, K. C. B.

"Where are your men of might ? your grand in soul ?
Gone glimmering through the dream of things that were."

BYRON.

HAVELOCK.



FORD HALL, in the township of Ford and parish of Bishopwearmouth, in the county of Durham, was the residence of William Havelock, Esq., and is remarkable as having been the birth place of his two distinguished sons, William and Henry Havelock, who have achieved so much renown, and occupy so conspicuous a place in the military annals of their country.

The Havelocks* are descended from an old and respectable family, long resident at Guisbrough, in the North Riding of the County of York. George Havelock, of Guisbrough, married Miss Barry, a relation of the family of Barry, large ship-owners at Whitby. He had three sons and three daughters, namely, 1. George, who married Sarah, daughter of John Walker, of Guisbrough, and left several children ; 2. William,

* It has been affirmed that the Havelocks are of Danish descent, and were for many generations settled at Great Grimsby, Lincolnshire. The ancient seal of the Corporation of that Borough, bears the figure of its Danish founder, Grime, holding in his hand a boy, surmounted by a scroll, on which is written the word "HAVELOCK." The story runs that Havelock was the lost child of a Norse Sea King, and was brought up by Grime, and became a valiant warrior under his rough tutelage. The crest of the present family, is a lion rampant, gules, powdered with ermine spots and charged on the shoulder with a castle, argent, sustaining a *Danish* battle-axe, ppr.

who settled at Sunderland, of whom afterwards. 3. Thomas, of Kirby Stephen, who married and had issue an only daughter. 1. Jane, married to Robert Page; 2. Mary, married to Robert Walker; 3. Anne, married to Richard Pulman.

William Havelock, Esq., settled at Sunderland about a century ago, and embarking largely in the commerce of the place, became one of the most considerable and influential ship-owners of that port. He lived in a large house in Silver Street; the residences of the principal inhabitants being then in that locality. This gentleman married Anne, daughter of Jacob Longboatham, of Guisbrough, and died the 10th, and was buried in a vault in Sunderland churchyard, the 13th of Oct., 1777. He had issue, 1. William, his heir; 2. Jacob, who married and had issue; 3. Thomas, formerly a captain in the 43rd Light Infantry, who died at Darlington, the 5th, and was buried near his father, in Sunderland churchyard the 9th Dec., 1845, aged 83 years. He was married and had several sons and daughters. Mr. William Havelock's daughters were 1. Mary, married to Ralph Wheatley; 2. Dorothy, married to William Huntrods; 3. Hannah, married 20th December, 1792. to Robert Allan, Esq., father of Robert Henry Allan, of Blackwell Hall, Esq., J. P., F. S. A., High Sheriff of the County of Durham, in 1851, and the representative of the ancient and wealthy house of Allan; 4. Anne, married to James Lee.

William Havelock, (son and heir of the above-named William Havelock) of Ford Hall, and Ingress Park, in the County of Kent, Esq., was a man of great energy and commercial enterprise. He built the largest ships on the Wear, one of which named the "Lord Duncan," was well known, and was the largest ship ever built at that port down to that period. The tonnage and dimensions of this ship, which was accidentally burnt at Port au Prince, in 1807, by which Mr. Havelock unfortunately sustained a heavy loss, are given in Mr. Surtees' History of Durham. Having amassed a large fortune, Mr. Havelock purchased Ingress Park in 1800, where he continued to reside until 1813, when, in consequence of some adverse fortune, he was induced to sell his estate there, and which was purchased by government for upwards of

£70,000. The fine old Hall has since been pulled down and a modern gothic edifice erected in its stead. He married* 16th October, 1787, Miss Jane Carter, (a lady of exquisite beauty) daughter of John Carter, of Yarm, in the County of York, Esq., by Elizabeth, his wife, daughter of William Ettrick, of High Barns, Esq., (of an ancient Durham family) by Isabella, daughter of William Langley, Esq., grandson of Sir Roger Langley, of Sheriff Hutton Park, in the County of York, Bart., and died at Exeter 24th June, 1836, aged 79. He had issue, 1. William, his heir; 2, Henry (Sir); 3, Thomas, born at Ingress Park, who served in Spain under Sir de Lacy Evans, and died unmarried; 4, Charles Frederick, a Lieutenant Colonel in the British army and Major General or Leeva Pacha in the Imperial Ottoman army, with the Order of Medjidie. This gallant officer, who has achieved much military fame, especially as a leader of Cavalry, was born at Ingress Park, 16th October, 1803, entered a Cornet in the 16th Lancers in 1821, and went with his regiment the next year to India. His career there was long and glorious, being, during a period of more than twenty years, literally engaged in every Indian battle from the capture of Bhurtpore to the victory of Goojerat. He has medals or clasps for each engagement; he has them for Bhurtpore, Ghuznee, Tezeen, Cabul, Moodkee, Ferozeshah, Aliwal, Sobraon, and Goojerat. He was severely wounded at Ferozeshah. He became a Lieutenant Colonel in 1854, when

* "William Havelock, Esq., of the parish of Sunderland, and Jane Carter of this parish were married in this church by License this 16th day of August, 1787,

By me, Henry Egerton, Rector."

"This marriage was solemnized between us { Wm. Havelock,
Jane Carter."

"In the presence of { Thomas Sanderson,†
William Hunter,"

Bishopwearmouth Parish Register.

† Thomas Sanderson, Esq., was an eminent solicitor at Sunderland, and paymaster of the Sunderland Volunteer Infantry; and William Hunter, Esq., who resided at Ford Cottage, near Ford Hall, and uncle of William Hunter Burne, Esq., a captain in the Durham Militia, grandson of Charles Burne, Esq., of Sunderland, by his wife Philadelphia, daughter and co-heiress of Thomas Lambton, of Hardwicke, County of Durham, Esq., great-grandson of Sir William Lambton, Knight, slain in the royal service at Marston Moor, 2 July, 1644, and ancestor of the present Earl of Durham.

he joined the Irregular Osmanli Cavalry, and served as its Brigadier-General till the peace with Russia in 1856. General Charles Havelock, married, 14th May, 1833, Mary, second daughter of James Wemyss, Esq., and has issue. 1. Helen, married to Lieutenant Watson, R. N. ; 2. Jane, married to Captain Creak, R. N. ; 3. Isabella, married to J. Cave, Esq. **LIEUTENANT-COLONEL WILLIAM HAVELOCK, K.H.**, of the 14th Light Dragoons, "who was one of the most chivalrous officers in the service," was born at Ford Hall, 21st January, 1793, and baptised* with his brother Henry, at Bishopwearmouth, 13th April, 1796. He was educated at the Charter house, and then studied under a private tutor previously to entering the army in 1810. At the early age of fifteen, he carried the colours of his regiment, the 43rd Light Infantry, of which the historian Napier was then the Colonel, in the action of Coa. He married Caroline, daughter of Acton Chaplin, Esq., and had issue.† He was killed in action on the 22nd November, 1848, at the head of his regiment, the 14th Light Dragoons, in their desperate but victorious charge. "I never witnessed" says the veteran Lord Gough, "so brilliant a charge,"‡ unsupported by

* "William, son of William and Jane Havelock, of Ford, born Jan. 21st, 1793."

"Henry, son of William and Jane Havelock, of Ford, born April 5th, 1795."

"Baptised April 13th, 1796." [Signed] "G. Stephenson, Curate"

Bishopwearmouth Parish Register.

† His eldest son is a Cavalry officer in India. He has been mentioned more than once in the despatches from the seat of war.

‡ "I witnessed with intense anxiety, but equally intense admiration, a charge made by Lieutenant Colonel Havelock, at the head of the 14th Light Dragoons, who, I fear, misconceived the orders he received from the officer commanding the Cavalry division, or from the inequalities of the ground, and the fearful dust occasioned by such a rapid movement, mistook the body he was instructed to charge, and moved upon and overwhelmed another much closer to the river, which exposed him to a cross fire from the enemy's guns. I never witnessed so brilliant a charge, but I regret to say the loss was considerable, were it only in that of Brigadier-General Cureton, than whom a better or nobler soldier never fell in his country's service. The brave leader of the 14th, Lieutenant-Colonel Havelock, is missing; he charged into a gale of the enemy, and has not since been seen, regretted by every soldier who witnessed his noble daring. The enemy suffered severely; numbers were precipitated into the river and drowned, and a standard was captured."—*Despatch of General Lord Gough, G. C. B., 23rd Nov. 1848.*

either a single gun or bayonet, on the Sikh army, which was driven from the left bank of the Chenab, near the Ford of Ramnugger.

In reference to the engagement in which this distinguished and lamented officer displayed such desperate valour and gloriously died. A correspondent of the "Agra Messenger" says,—"a more fearful sight was perhaps never witnessed on a field of battle, for the British army stood drawn up, silent spectators of the bloody conflict of 450 sabres against an army amounting to more than 15,000 men with heavy cannon."

Colonel Havelock, cheering, led on the first and second squadrons of the 14th down to the bank, then into the nullah; crossed it at a gallop, and, coming into close quarters with the Sikhs, charged through and through their ranks, and sabred hundreds of the enemy under the most frightful shower of missiles from their cannon and matchlocks. The 5th Light Cavalry, under Lieutenant-Colonel Alexander, ably supported the gallant 14th. So impetuous was the onset of these determined warriors, and so energetically and effectually did Havelock and his troopers ply their swords, that the bank was swept in a few minutes of all its swarthy occupants, who, running hastily down the bank, across the sand, threw away their standards in their flight. Not contented with having driven the enemy from this position, Havelock, animated by that fiery spirit which glowed within him, instantly resolved to exceed the limits of his mission, and renew the offensive, by continuing the charge on the discomfited enemy, and driving them back across the river. Yielding to his insatiable love of glory, he brandished his sword above his head, and calling on the squadron of the 14th, in reserve under Lieutenant-Colonel King*, to come and support him, dashed furiously down the steep declivity into the tract of sand in which a gun had been immoveably fixed, and over which Captain Ouvry had charged. The deportment of Havelock was more that of a mortal confiding in the protection of the *Ægis* of some divinity than that

* Lieutenant-Colonel King committed suicide subsequently to the disastrous battle of Chillianwallah, fought on the 13th of January, 1849.

of an ordinary human being. In person he was tall and well-built, with dark hair. His gait was that of a real soldier. Few men sat firmer in the saddle than he. In the last charge, always in advance, Havelock suddenly disappeared, and the latest glimpse of that fiery soldier, disclosed him in the midst of the savage enemy, *his left arm half severed from his body!* and dealing frantic blows with his sword, so soon doomed to drop from his trusty right hand. His last words were "*Follow me!*" Some days after the action, a mutilated corpse was discovered, which the chaplain of the army, Mr. Whiting, recognised by the hair on the body to be that of this daring but ill-fated *Sabreur*.

Such a death was worthy of William Havelock! If the doctrine that the souls of men continue on earth and inhabit new bodies after death, be based on truth, surely the spirit of the son of Priam may have chosen the body of this man for an earthly receptacle!

Colonel Havelock was engaged in the Peninsula from July, 1810, till the end of that war in 1814, including the battles of Coa, Busaco, Sabugal, Salamanca, and Vittoria, the passage of the Bidassoa, the battle of the Nivelle, the affair near Bayonne, and the battles of Orthes and Talouse. He served also in the Campaign of 1815, and was wounded at Waterloo, where he was Aide-de-Camp to Baron Alten, and for his valour and intrepidity in that memorable and sanguinary engagement, was appointed a Knight of the Royal Hanoverian Guelphic Order. He subsequently served at Corfu; and afterwards, on exchanging into the 4th Light Dragoons, proceeded with his regiment, first to Bombay, where he was Aide-de-Camp to Sir Charles Colville, and then to Madras, where he was on the staff as military secretary to Lord Elphinstone. His last exchange was into the 14th Light Dragoons. He was engaged in the various movements of Sir Charles Napier's force in the Bombay contingent, and then in the Punjaub, until, as before stated, at the Ford of Ramnugger he fell mortally wounded, at the head of his regiment, in battle against the forces of Shere Singh.

Of this chivalrous soldier, whose breast glittered with medals, the following act of heroism is recorded in General Sir William

Napier's eloquent "History of the Peninsular War":—
 "There, however, he (Giron) was arrested by a strong line of abbatis, from behind which two French regiments poured a heavy fire. The Spaniards stopped, and though the adventurer, Downie, now a Spanish General, encouraged them with his voice, and they kept their ranks, they seemed irresolute and did not advance. There happened to be present an officer of the 43rd regiment, named Havelock, who, being attached to General Alten's Staff, was sent to ascertain Giron's progress. His fiery temper could not brook the check. He took off his hat, called upon the Spaniards to follow him, and, putting spurs to his horse, at one bound cleared the abbatis, and went head-long amongst the enemy. Then the soldiers, shouting for "El chico blanco" ("the fair boy," so they called him; for he was very young, and had light hair), with one shock broke through the French, and this at the very moment when their centre was flying under the fire of Kemp's skirmishers from the "Puerto de Vera."

On a monument erected some years since at the western end of All Saints' Church, Maidstone, by the officers of the 14th Light Dragoons, in honour of their brave comrades who fell during the campaign in the Punjaub, the following tribute is paid to this brave and lamented soldier:—

**"Sacred to the Memory of
 LIEUTENANT-COLONEL WILLIAM HAVELOCK, K.H.**

He served in Portugal, Spain, and France,
 at Quatre Bras, (where he was wounded), and at Waterloo.

He fell at the head of his Regiment, charging the Sikhs,
 at Ramnugger, on the Chenab,

On the 22nd November, 1848, aged 56 years."

Mr. Havelock's second son, the renowned General, SIR HENRY HAVELOCK, K.C.B., whose Baronetcy was created on the 26th

* Colonel Havelock's eldest son, William Henry Havelock, is in the East India Company's Civil Service; and Lieutenant Havelock, who is referred to in a preceding note, is the only son of General C. F. Havelock.

of November, 1857, was born at Ford Hall, on the 5th of April, 1795. It has been stated that when about seven or eight years of age he climbed a high tree in search of a bird's nest, and fell to the ground the moment he had gained his prize. As soon as he recovered consciousness, his father asked him whether he was not frightened when the branch snapped. "No," said the little fellow, "I did not think of being frightened; I had too much to do in thinking of the eggs, for I was sure they would be smashed to pieces." Another anecdote is told illustrative of his cool judgment, calculation, and forethought. When about twelve years old, he saw a dog worrying his father's sheep, at Ingress Park. Instead of beating the brute off, he ran to a haystack in the field, and pulled sufficient hay to make a strong band or rope of hay, which he threw round the dog's neck and fairly choked him, and then threw his carcass into the pond, walking off as if nothing had happened. Henry was educated at the Charter-house, and among his school-fellows were Connop Thirlwall (now Bishop of St. David's), the late Sir William M'Naughten, Archdeacon Hare, Dr. Waddington (Dean of Durham), Mr. George Grote (the historian of Greece), Sir Charles Eastlake, and Lord Panmure. It is said that while at the Charter-house he bore among his school-fellows the *sobriquet* of "Old Phlos," meaning "philosopher," in allusion to his quiet, grave, and thoughtful demeanour. The only story that has reached us of his schoolboy days confirms what we have already said about his early boyhood. Interfering in a schoolboy fight, in which he thought that one of the party was not obtaining fair play, he received a black eye, and was flogged by Dr. Russell, because, on being questioned, he would give no other account of his disfigurement than that "it came there."

Having been intended for the bar, young Havelock was entered as a student in the Middle Temple, where he attended the lectures of Chitty, the eminent special pleader. Here his most intimate associate was the late accomplished judge, Sir Thomas Talfourd, the author of "Ion." Havelock, however, was, fortunately for his country, not moulded for a lawyer; an in-door life did not suit his tastes; he pined for a life of action and of

enterprise. His elder brother, William, had distinguished himself in the Peninsular War, and at Waterloo; and, yielding to the military propensities of the family, he embraced the profession of arms. Two days after the battle of Waterloo he was appointed second Lieutenant in the Rifle Brigade, where his military training was assisted by Captain, now Sir Henry Smith, the hero of Aliwal. Havelock served for eight years in England, Scotland, and Ireland.

At length, in 1823, the opportunity occurred to him of effecting an exchange into the 13th Light Infantry, a regiment under orders for Indian service. Havelock eagerly seized the opportunity, and landed in Calcutta towards the close of the year. In 1824 the first Burmese war broke out, and Havelock served in the Burmese campaign as Deputy Assistant-Adjutant-General to the forces under Sir Archibald Campbell, and was present at the capture of Kemundine and Melloon, as also at the action of Pagahm. On the conclusion of the war, he was associated with Captain Lumsden and Dr. Knox in a mission to the Court of Ava, and had an audience of "the Golden Foot," when the Treaty of Yandabo was signed. In 1828 he published a "Memoir" of the Burmese Campaigns, which at that time excited some attention, by the originality of its remarks and the freedom of the author's comments on the events of the war. In the same year he was appointed by Lord Combermere to the post of Adjutant of the Military Depot at Chinsurah, on the breaking up of which he returned to his regiment. Not long afterwards he visited Calcutta, and, having passed the examination in languages at Fort William, was appointed Adjutant of his regiment by Lord William Bentinck. The corps at that time was under the command of Colonel (afterwards General Sir) Robert Sale. In 1838, after twenty-three years of service as a subaltern, Henry Havelock was promoted to a company, and attended Sir Willoughby Cotton as one of his staff in the invasion of Affghanistan. He served through the Affghan campaign with increased distinction, and was present with Sir John Keane at the storming of Ghuznee in 1839. A masterly "Narrative" of this campaign,

which is frequently quoted with respect by Indian writers as a valuable work of reference, was published by him in 1840, in two volumes.

"This book," say the *Times*, of 20th October, 1840, "is written in a straight-forward, soldier-like manner, precisely as might be expected from a military officer and an educated gentleman. The book will be valuable to all readers. To those more immediately connected with India it will be a great gift; and to military men a storehouse of information, to which they will do well to apply as frequently as the subject of Indian warfare requires their attention. It is an historical document of very considerable merit."*

After a short leave of absence, Havelock was sent to the Punjab in charge of a detachment, and was placed on the staff of General Elphinstone as Persian interpreter. We next find him serving in Cabul under Sir Robert Sale, and present at the forcing of the Khoord Cabul Pass, the action of Tezeen, and all the other engagements of that force till it reached Jellalabad. In conjunction with his friends Major Macgregor and Captain Broadfoot, he had, under Sale, the chief defence of that place, and wrote all the despatches relating to it, which were highly praised by the late Sir George Murray.

Even on such arduous service as the Affghan campaign and the defence of Jellalabad—where he was almost the only officer who supported Broadfoot in maintaining, against the opinions of both Sale and Macgregor, that Jellalabad should be defended and not surrendered—even there Havelock invariably secured two hours in the morning for reading the Scriptures and private prayer. If the march began at six, he rose at four; if at four, he rose at two. In the final attack on Mahomed Akhbar, on the 7th April, 1842, which obliged that chief to raise the siege, Havelock commanded the right column, composed of a handful of brave men, and defeated him before the other columns could

* "The first requisites of an English soldier are apparent in his book—coolness, steady judgment, modesty, and courage; while to these he adds the more rare, though not for the work in hand less valuable qualifications of a correct and graphic style." *Examiner*, of September 7th, 1840.

come up. For his important services on this and on previous occasions, he was promoted to a brevet majority, and appointed a Companion of the Bath. He was then nominated Persian interpreter to General Pollock, and was present at the action of Mamo Keil, and the second engagement at Tezeen. He then proceeded with Sir John M'Caskill's force into the Kohistan. This gallant general, who fell at Moodkee, thus warmly acknowledges Havelock's services :—"Major Havelock, C. B., Her Majesty's 13th Light Infantry, deputy-assistant-adjutant-General, has been indefatigable in the discharge of his arduous duties. To his previous experience in Affghan affairs, and knowledge of the country and its languages, the Major-General has been deeply indebted; and his activity in the field, and alacrity in fulfilling and even anticipating the wishes of his superiors, have commanded his esteem and admiration. He is happy in this opportunity in bearing testimony to his value as a staff-officer, and claims for further advancement in his profession." He played an important part with Sir John M'Gaskill, at the brilliant affair of Istaliff. Next year he was promoted to a regimental majority, and nominated Persian interpreter to the Commander-in-Chief, Sir Hugh Gough. At the close of 1843 he accompanied the army to Gwalior, and fought at the battle of Maharajpore. In 1844 he was promoted to the rank of Lieutenant-colonel, by brevet. In 1845 he proceeded with the army to meet the invasion of the Sikhs, and was actively engaged in the battles of Moodkee, Ferozeshah, and Sobraon. At Moodkee he had two horses shot under him; at Sobraon a third horse was smitten down by a cannon ball which passed through his saddle cloth. On the conclusion of the Sutlej campaign he was appointed deputy adjutant-general of the Queen's troops at Bombay. The second Sikh war now broke out, and his elder brother, Colonel William Havelock, was killed at Ramnugger. His own regiment, the 53rd, having been ordered into the field, he quitted his staff employment at Bombay in order to join it, and had proceeded as far as Indore, when his further progress was countermanded, and he returned to his post. Twenty-five years of incessant and laborious service now began to tell on

his constitution, and his medical advisers, in 1849, sent him to Europe for two years for the restoration of his health. He returned to Bombay in 1851, and was soon after made brevet colonel, and appointed through the kindness of Lord Hardinge, by whose side he had fought in the three battles of the Sutlej, Quartermaster General, and then Adjutant-General of the Queen's troops in India. On the despatch of the expedition to Persia, he was appointed to head the second division, and commanded the troops at Mohammerah, on the 28th March, 1857. On the conclusion of peace he returned to Bombay, and embarked in the *Erin* for Calcutta, in which vessel he was wrecked, on the 5th June, 1857, off the coast of Ceylon. Five days after he obtained a passage in the *Fire Queen*, and arrived at Calcutta on the 17th of June.

The arrival of a man so fitted for a great crisis as the veteran chief of the Persian second division, was gladly welcomed, and he was immediately sent up to Allahabad as Brigadier-general, to command the moveable column against the Maharatta fiend Nana Sahib. His subsequent glorious career has been so recently the subject of public admiration, that it is not necessary to do more here than recapitulate the leading incidents.

On the 12th July he attacked the insurgents at Futtephore; on the 15th at Aoung and at Pandoo Nuddee; on the 16th at Cawnpore, (where he had another horse shot under him), defeated them with a total loss of 23 guns, and retook Cawnpore. Advancing from Cawnpore on the 29th, he defeated 12,000 rebels, captured Oonao and Busseerut Gunge, and 19 guns. On the 5th August he retook Busseerut Gunge from the enemy, inflicting great slaughter. On the 12th he attacked the insurgents at Boorbeake Chowkee. On the 16th he attacked them at Bithoor;* On the 19th September he for the third time crossed

* GENERAL ORDER BY GENERAL HAVELOCK.—The following order was issued by General Havelock after the action at Bithoor, when the enemy were defeated for the ninth time since the commencement of the campaign :—

“ FIELD FORCE ORDER.

“ Cawnpore, August 17.

“ The Brigadier-General commanding congratulates the troops on the result of their exertions in the combat of yesterday. The enemy were driven, with the loss

the Ganges, and stormed and carried the enemy's position at Memgarsour on the 21st, and continued his advance towards Lucknow, driving the insurgents before him. On the 25th he again came upon the enemy strongly posted, in number not less than 40,000. Their position seemed impregnable, but Havelock went at it at once, and, placing himself sword in hand at the head of his column, after a desperate and bloody struggle, to the cry "Remember Cawnpore!" succeeded in forcing this "path of fire," the Residency of Lucknow, and thus saved the women and children and its brave defenders from a repetition of the maddening horrors enacted at Cawnpore.* On the 26th he assaulted the batteries of the besiegers and was engaged in all the subsequent operations until (over-worked and worn out) he died. This melancholy and disastrous event took place at Lucknow on the 24th, and he was buried at Alumbagh on the 25th November, 1857, where,

"After life's fitful fever, he sleeps well."

The death of this illustrious soldier, whose name has become a household word in England, whose countrymen regarded him as the saviour of their honour and the avenger of their wrongs, the hero of a series of exploits which form one of the most

of 250 killed and wounded, from one of the strongest positions in India, which they obdurately defended. They were the flower of the mutinous soldiery, flushed with the successful defection at Saugar and Fyzabad; yet they stood only one short hour against a handful of soldiers of the State, whose ranks had been thinned by sickness and the sword. May the hopes of treachery and rebellion be ever thus blasted! and if conquest can now be achieved under the most trying circumstances, what will be the triumph and retribution of the time when the armies from China, from the Cape, and from England, shall sweep through the land? Soldiers! in that moment your labours, your privations, your sufferings, and your valour will not be forgotten by a grateful country. You will be acknowledged to have been the stay and prop of British India in the time of her severest trial."

* "To form a notion of the obstacles overcome, a reference must be made to the events that are known to have occurred at Buenos Ayres and Saragozza: our advance was through streets of flat-roofed and loop-holed houses, each forming a separate fortress. I am filled with surprise at the success of operations which demanded the efforts of ten thousand good troops; but the advantage has cost us dearly."—*Extract from Sir Henry Havelock's Despatch of September 30, 1857.*

glorious episodes that even the history of British India contains, has been more deeply felt in every English home, from the throne to the cottage, than any event since the death of Nelson. No record of battles, lost or won, ever eclipsed in popular interest the startling and melancholy announcement that General Havelock was no more. The wonderful military achievements of this great and good man had entered so deeply into the hearts of his countrymen, that his loss was felt like a blow at the pride and strength of the entire nation. In him, more than in any other single person, were represented the great qualities which have been evoked at the terrible call of the Indian Rebellion, and have overcome the danger, to the wonder and admiration of the world. The narrative of his brilliant deeds of arms—unequalled in ancient or modern annals,—at the head of an army which never exceeded 2,500 men, and which at one period was reduced by pestilence and the sword to 700 effective combatants, without cavalry, and scarcely any artillery, saving what guns were captured from the enemy,—his prudence, his chivalrous daring in action, his fertility of resources, his winning in the space of a few short weeks nine decisive victories, taking about 100 pieces of ordnance, and inflicting great slaughter on the enemy,—his marvellous passage into Lucknow under a terrific and withering fire of grape and musket balls, (quite equal to Napoleon's passage of the bridge of Lodi), displayed every mark of consummate generalship. By him every obstacle was surmounted with the certainty and apparent ease which invariably characterises a leader endowed with the genius for command. Long marches, the burning sun, the presence of an enemy stronger in numbers by ten to one, and occupying positions of great natural strength, improved with no contemptible skill in fortification,—these and other hindrances to success, were met and vanquished by the gallant Havelock. Like true soldiers under a true leader, his troops seemed to know neither danger nor difficulty. In Sir Henry Havelock, England soon discovered another of those splendid heroes who, like the Clives and Wellingtons of old, sometimes emerge in a day of darkness and

peril, and transform a scene of heavy disaster or bodeful difficulty into brilliant victory :—

“ Dark as the mantle of descending night,
O’er India’s sunny plains a horror fell ;
And dusky swarms as from the mouth of hell,
Smoking with blood, spread like a deadly blight.
Then like a sudden gleam of morning light
The warriors’ brand flashed through the horrid gloom,
And, like a God-sent messenger of doom,
Fell on the murderous crew with deadly might.
Brave HAVELOCK ! thy name shall ever stand,
While soft Humanity can breathe a sigh,
The champion of the innocent and weak ;
Each swelling bosom in thy native land
Shall bless thy noble deeds, while every eye
Weeps o’er the sorrows that we cannot speak.”—*Spectator*.

Alas ! “ the road to glory leads but to the grave.” Alas ! this hero of India’s fierce revolt,—he who first with dauntless breast stemmed the tumultuous torrent that, in its headlong rush threatened to overthrow our sovereignty in Hindostan,—he who with the aid of British bayonets and the trenchant blade, cleaved a pathway through the human sea for the deliverance of our imperilled countrymen and women, and, in his glorious and triumphant march from Allahabad to Cawnpore, and from Cawnpore to Lucknow, now taught the enemy, by a long and unbroken succession of victories, what British valour can do,—worn out by unceasing toil and constant exposure in the field,*

* *Extract of a letter, of the 3rd February, 1858, from Mrs. Creak, sister of Sir Henry Havelock, to Robert Henry Allan, Esq. :—*

“ I can give you reliable information as to the illness and death of my beloved and deeply lamented brother, from the pen of his son, Henry Marshman. He had the exalted privilege of attending on his dear father’s dying bed. No stranger hand performed one office for him. He was first seriously ill on the 20th November, but for the next two days hopes were entertained of his recovery. Dysentery in its most fatal symptoms came on, and he sank rapidly ; and on the morning of the 24th November, without suffering, and with perfect consciousness, calmly breathed his last. He died surrounded by many of the brave men who had fought side by side with him in many a battle field, anxiously watching the progress of his sickness, and hoping that he might yet be restored to them. He said to Sir James Outram, ‘ I have lived forty years striving to meet death without fear, and now I feel I can do so ;’ and when life was ebbing, called to Henry, and said, ‘ Come here, my son’

laid him down to his long and glorious rest, ere England, which longed so eagerly to thank and to bless him, could tell the noble warrior how she appreciated his services. Rewards, honours, and distinctions from his sovereign and the people awaited his return to his native land. The inexorable hand of death has ruthlessly deprived him of them all. But to a man of Havelock's stamp, worldly reputation and worldly honours were as nothing, compared to the internal conviction that he had done his duty, and performed his mission as a soldier and a Christian ; and never, perhaps, were the soldier and the Christian so strikingly in unison in the same man. Washington, Hampden, and Gardiner all exemplified the union of these qualities ; but none of them possessed the soldier's genius of Havelock. Cromwell also exemplified it, but he did not possess the Christian simplicity of the hero of Lucknow. He was, as Lord Hardinge said of him, " Every inch a soldier, and every inch a Christian." " For more than forty years," said the dying soldier to his friend and companion in arms, the brave Sir James Outram, " for more than forty years I have so ruled my life that when death came I might face it without fear ;" and as his end was approaching, to his gallant and like-minded son, who lay wounded by his side, as looking him calmly in the face, he said " Come my son, come and see how a Christian can die." The Rev. Rowland East, in addressing the commissioned and non-commissioned officers of her Majesty's 5th Fusiliers, said, " On the 25th of November last, there was in Lucknow a soldier of no common kind. Through many weeks, through many months,

and see how a Christian can die.' Henry removed his precious remains, and saw them deposited in a garden at Alumbagh on the 25th November, carefully marking the spot. At the time Henry wrote thus to his mother, his wound was not healed, but it was hoped he would recover, and we were comforted to find it is in the left instead of the right arm. We have to mourn another loss—that of Mr. Thornhill, (civil service,) who married, in December, 1856, the eldest daughter of my only remaining brother, Major-General Charles Frederick Havelock (Ottoman service). The young couple were in Lucknow during the whole period of the siege, at the Residency, and on the arrival of my brother at Lucknow, Mr. Thornhill, (though a Civilian,) was in the thick of the fight. In assisting Henry Marashman when wounded, he was shot by a Sepoy, and my poor niece is a widow at nineteen !"

aided by the valiant and lion-hearted, he had fought battle after battle with thousands of the cruel host. Shut up at the mercy of that relentless foe were 1000 helpless women, and their babes. Through obstacles the most appalling, through hunger and thirst, through watchfulness and peril, he, mile by mile, fought the bloody way, and at last, at the eleventh hour, the shield of his protection was thrown over the helpless innocents. There was something in his bare manhood, noble, grand, heroic. A Heathen eulogist would have embodied such a man in lofty poesy, and he would have seemed in ancient story a very Demigod for power. But there was superadded to his native grandeur of character a sublimer quality. Great as a soldier, great as a patriot, he was still greater, in that he was a man of God." Sir Henry Havelock was not only a great soldier, but he possessed literary attainments of a very high order; and the vigour and picturesqueness of his despatches are as novel and refreshing as his deeds are unparalleled. He was also an excellent linguist, and quite familiar with the languages spoken in India, as well as with the Persian and kindred Oriental tongues. Sir Henry Havelock, personally, is described as of modest, firm, resolute, thoughtful character—amiable and calm in temper, kind and generous in disposition, and actuated by a high and honourable sense of duty. As a Christian he was sincere, rational, and devout. He had in his practice of religion neither fanaticism nor bigotry, but was beautifully catholic in spirit, evincing, by his conduct to all, the earnestness and simplicity of his trust "in the faith once delivered to the saints." Sir Henry Havelock had been a prominent character in Indian history for nearly twenty years. He was one of the few who passed through the Affghan campaign with added reputation. In the first Punjaub war he was Lord Hardinge's most trusted friend. A slight spare man, with an eagle eye, he belonged emphatically to the class who have never to contend with disobedience. As a general, he was the best tactician of the day; and as an officer, though sometimes stern and exacting, his antique heroism made him the idol of his men. He was, indeed, perhaps the bravest man in his own army, and was never so complacent, chatty, or

agreeable as under fire. It had been rightly said, his was not only the courage that would lead him to storm the breach or charge the batteries with a wild hurrah, but cool, indomitable, and invincible,—ever ready, ever vigilant. A veteran renowned in arms before the Indian outbreak—indefatigable, able, loyal, devoted—this unconquered chief won for himself undying fame. His was a name which would be honoured and held in veneration amongst all English names—one of the brightest, the most glorious in the muster-roll of English worthies.

In consequence of the eminent services he performed while in command of this division of the army, Sir Henry Havelock was promoted to the rank of Major-General; created a Knight Commander of the Bath on the 11th, and on the 26th November, *just two days too late*, a patent for a Baronetcy was created on his behalf, and on the 27th the *London Gazette* announced that her Majesty had been pleased to raise him to the dignity of a Baronet as “Sir Henry Havelock, of Lucknow.” On the 18th December he was *Gazetted* to the Colonelcy of the 3rd Foot, (the Buffs.) Parliament had also intimated its intention to confer upon him a grant of £1000 per annum, to be extended to his son.

It is somewhat singular that Sir Henry Havelock, who had been engaged in twenty-eight battles, where he was generally in the thickest of the fight and the hottest of the fire, and who had had *four horses shot under him*, was never wounded.

Sir Henry Havelock married on the 9th of February, 1829, Hannah Shepherd, daughter of the late Rev. Joshua Marshman, D.D., of Serampore, (father of John Marshman, Esq., who was a candidate for the representation of Ipswich, in March, 1857), and had issue, 1. Henry Marshman, now Sir Henry Marshman Havelock, Bart., born 6th August, 1830, Brevet-Major in the 18th Royal Irish; Deputy Assistant-Adjutant-General to his late father, with whom he shared the toil, dangers, and glory of his brilliant achievements during this memorable campaign,*

* “General Havelock has, with his thousand or two thousand troops, performed, between Allahabad, Cawnpore, and Lucknow, prodigies of valour, in which a dozen times the number of troops would probably have failed, if commanded by a general destitute of his warlike genius and indomitable skill and courage. Nothing, probably, in the whole military career of this country, is more remarkable than this Indian campaign.”—*Newcastle Journal*, December 19, 1857.

had a horse shot under him at Busseerut-Gunge on the 29th July, 1857, and was severely wounded by a musket shot through his left arm in the stern fight before the blood-stained walls of Lucknow, where fell the heroic Neill,* and where sixty-three other officers were killed and wounded. His Sovereign conferred on him the decoration of the "Victoria Cross," for an act of great daring, which is referred to hereafter. 2. Joshua, born 11th December, 1831, Assistant Commissioner under Sir John Laurence, G.C.B., in the Punjaub. 3. Ettrick, born 5th August, 1833, died 13th August, 1834; 4. George Broadfoot, born 5th June, 1847. 1. Hannah, died 18th October, 1836; 2. Hannah Jane; 3. Honoria; 4. Alice, died 16th December, 1845.

THE HAVELOCK BARONETCY.

"The Queen has directed letters patent to be passed under the Great Seal, granting the dignity of a Baronet of the United Kingdom of Great Britain and Ireland unto Henry Marshman Havelock, Captain in the Army (eldest son of the late Major-General Henry Havelock of Lucknow, K. C. B.), and to his heirs male, with remainder, in default of such issue, to the heirs male of the body of his father, the said Major-General Henry Havelock. The Queen has also ordained that Hannah Shepherd Havelock, the widow of the late Major-General Henry Havelock, Knight Commander of the Most Honourable Order of the Bath,

* Brigadier-General Neill, accompanied by Havelock, crossed the river at Cawnpore on the 19th of September, in command of the 1st Brigade. The enemy, in position near the river, were at once driven back. On the 21st and 22nd they again fell in with the enemy, when his brigade was again led to victory. On the 25th they advanced on Lucknow—the 1st brigade leading through a constant raking blaze of fire, from 9 a.m. to 7 p.m., when, just at the last, a fatal shot from a loophole struck his head. He thus died a soldier's death without pain, his noble spirit passing away from the fearful conflict at the moment of success. His body was placed on a gun-carriage, and taken within the intrenched camp, and was next day buried by his own regiment, one and all of them showing how deeply they felt the loss they had sustained.

shall have, hold, and enjoy the same style, title, place, and precedence, to which she would have been entitled had her said husband survived and been created a Baronet, and for which creation her Majesty had given instructions, as notified in the *London Gazette* of the 27th November last. And also to command that the said Royal order and declaration be registered in her Majesty's College of Arms."—*London Gazette*, Jan. 19, 1858.

It is noticeable, that the addition "of Lucknow," which was appended to the Baronetcy of the father, is not repeated in the case of the son; the title is one of a simple Baronetage, and does not, by its appendage, recall the glorious achievements by which it was won. It has been said, the Queen would have made Havelock a peer, had he survived,—an honour to which no man ever possessed a higher claim.

A grant of £1000 a year has been conferred by Parliament upon the widow of Sir Henry Havelock, who, as has been seen, by an act of the Queen, had been raised to the dignity of the widow of a Baronet; and a grant of £1000 a year has also been conferred upon Sir Henry Marshman Havelock. The Chancellor of the Exchequer reviewed the distinguished services of the present Baronet, in order to justify the vote. High compliments were paid by the House to the brave and lamented General Havelock and his son (the present Baronet,) and the votes were unanimously agreed to amidst loud manifestations of approval.

THE VICTORIA CROSS.

The *Gazette*, of Friday, (22nd January, 1858,) contains the following:—"War Office, January 15.—The Queen has been graciously pleased to signify her intention to confer the decoration of the Victoria Cross on the undermentioned officers and men of her Majesty's army, who have been recommended to her Majesty for that decoration, in accordance with the rules laid down in her Majesty's warrant of the 29th of January, 1856, on account of acts of bravery performed by them in India, as recorded against their several names, viz:—78th Regiment

—Lieutenant Joseph H. P. Crowe, now Captain, 10th Regiment, for being the first to enter the redoubt at Boorbeake Chowkee, the entrenched village in front of the Busseerut-Gunge on the 12th of August.—(Telegram from the late Major-General Sir Henry Havelock to the Commander-in-Chief in India, dated Cawnpore, 18th of August, 1857).

‘10th Regiment—Lieutenant Henry Marsham Havelock, now Captain, 18th Regiment.—In the combat at Cawnpore, Lieutenant Havelock was my aide-de-camp. The 64th Regiment had been much under artillery fire, from which it had severely suffered. The whole of the infantry were lying down in a line, when, perceiving that the enemy had brought out the last reserved gun, a 24-pounder, and were rallying round it, I called up the regiment to rise and advance. Without any other word from me, Lieutenant Havelock placed himself on his horse in front of the centre of the 24th, opposite the muzzle of the gun. Major Stirling,* commanding the regiment, was in front, dismounted, but the Lieutenant continued to move steadily on in front of the regiment at a foot pace on his horse. The gun discharged shot until the troops were within a short distance, when they fired grape. In went the corps, led by the Lieutenant, who still steered steadily on the gun’s muzzle until it was mastered by a rush of the 64th.’ (Extract of a telegram from the late Major General Sir Henry Havelock to the Commander-in-Chief in India, dated Cawnpore, August 18th, 1857).

‘9th Lancers: Privates Thomas Hancock and John Purcell.—The guns, I am happy to say, were saved, but a waggon of Major Scott’s battery was blown up. I must not fail to mention the excellent conduct of a Sowar of the 4th Irregular Cavalry, and two men of the 9th Lancers, Privates Thomas Hancock and John Purcell, who, when my horse was shot down, remained by me throughout. One of these men and a Sowar offered me their horses, and I was dragged out by the Sowar’s horse. Private Hancock was severely wounded, and Private Purcell’s horse was killed under him. The Sowar’s name is Roopur Khan.’

* This brave officer was killed under Major-General Windham, in the disastrous affair at Cawnpore, on the 27th November, 1857.

HAVELOCK.

He is gone ! Heaven's will is best :
Indian turf o'erlies his breast.
Ghoul in black, nor fool in gold
Laid him in yon hallowed mould.
Guarded to a soldier's grave
By the bravest of the brave,
He hath gained a nobler tomb
Than in old cathedral gloom ;
Nobler mourners paid the rite
Than the crowd that craves a sight ;
England's banners o'er him waved—
Dead, he keeps those realms he saved.

Strew not on the hero's hearse
Garland of a herald's verse ;
Let us hear no words of Fame
Sounding loud a deathless name ;
Tell us of no vauntful Glory
Shouting forth her haughty story.
All life long his homage rose
To far other shrine than those.
" *In Hoc Signo*," pale nor dim,
Lit the battle-field for him,
And the prize he sought and won,
Was the Crown for Duty done.

Punch.

THE DEAD CHIEF.

BY G. LINNÆUS BANKS.

Stretched upon his Indian bed
England's gallant hero lies ;
Sheathed his good sword—wreathed his head—
Passed his soul into the skies.
Widows weep around his grave,
Orphans' tears fall thick and fast—
Ever thus should sleep the brave,
When the war of life is past.

Time will tell the deeds he wrought,
With his trusty, stainless blade ;
How he suffered—how he fought,
Ere he in the earth was laid.
Time will tell the Nana's guilt—
Time will tell our HAVELOCK's fame ;
Who the blood of woman spilt—
Who avenged that deed of shame.

Think we well of him, and hold
Bravely to the life he spent—
Write his name in words of gold
On the world's vast monument.
Soldier-hero ! Christian-man ;
Self-ennobled—let him rest !
Kinglier in the warrior van
Than with stars upon his breast !

EXTRACTS

FROM THE LONDON AND LOCAL PRESS, ON THE DEATH OF
SIR HENRY HAVELOCK.

(FROM THE BUILDING NEWS.)

The death of the great Havelock was heard in England with a depth of sorrow unknown to the men of this latter time. It was as when Nelson, Moore, and Abercrombie fell in the flush of battle in the days of our fathers—or like that other hero of their sires, the youthful Wolf, glorious at once in his victory and his death—suddenly made known to praise by one great deed, and that victory dimmed by his loss, so that pride and sorrow struggled together in the bosoms of the people. Wellington died in more than the fulness of years and glory, truly mourned, but as one for whom the scythe of death had long awaited. The shock to the minds of the people on Havelock's loss was great, for they dreamt not of death, they were thinking alone of the rewards which could be bestowed on him; they chided the tardiness of the Ministry and the Court; they complained of parsimony when the Commander-in-Chief awarded at once and freely all that he could—the first good service-pension and the first regiment. They could wait for no etiquettes of courtiers and red-tapists; they cared not whether the Grand Cross of the Bath was meant for colonels, or whether it was usual to give peerages to generals of brigade; they knew this, that the man was a hero, whose deeds ought to be measured not by the parchment titles of his commission, but by the battles he won—not by the battalions he commanded, but by the armies he overthrew. To the people Havelock was a heaven-born general, to whose hands the Almighty had given power. Poets thought of making their names immortal by linking them with his praise; architects dreamed of structures in commemoration, the sculptor hoped that *his* might be the hand to carve the

marble trophy ; the painter scanned the records of battles which were to give glory to his canvas ; the musician sought new strains in which to celebrate the triumphs ; the singer bethought herself how enthusiasm would burst forth as her voice rang with that name. For his coming the working-man awaited, that he might thank him with a cheer—the schoolboy, that he might know how heroes looked, on whose praise the eloquence of ages has been poured forth, and whose example is the bright inspiration of youthful example. Havelock had become known—he was enshrined as a national hero : those who had been his mates at school loved to think and tell of the boy ; his comrades in India set forth his virtues and their hopes—how they had pointed him out for a Crimean command, and how in the camp and on the battle-field they had ever looked forward to the day of his mastery. All at once made known to the people his great moral endowments, his earnestness of mind, his truthful religious bearing, free from cant and hypocrisy ; liberal and respectful towards the opinions of others, and commanding the respect of all ; a man, as it has been said, of the mould of Cromwell, owning religion as a discipline and not as a trade ; but although these things were suddenly made public, they had been known for long years to most of the officers in India ; and if in their stations abroad and their clubs at home, the mess-mates of Havelock were wonder-stricken with the deeds, they wondered not that he was the man to do them. Such, alas ! is the sad perversity of English military organisation, that this man—who was the trusty hand in the battle-field of the Commander-in-chief, and who had commanded a division in the Persian war—set forth on his Indian campaign as a regimental lieutenant-colonel ; and it is, therefore, that while holding the responsibilities of an army, and gaining the triumphs of a general, his rewards have been so charily and so scantily meted out. It may be that this was the better, that in the Crimea he might earlier have met his death, as many did in a time of needless pressing, than when the empire was at stake.

There showed forth such a fulness in his tide of glory that his death was unreckoned, and came upon us unawares ; for routine had caused us to forget that he was an old man, kept back despite his merits, worn with many years of mental exertion, and the hardships of many a field, and holding the leadership in a town beset with hosts, having more than the cares of an army on his mind in that helpless garrison of women, and wounded, and children. The fall of such a man might well bring grief on his countrymen ; his merits might well spur them to some worthy commemoration : and now that the first burst of sorrow has gone by, a consolation is felt in doing such obsequies to his memory as we can to one whose body rests on the far battle-field where he slept his last sleep. While the press and the public ask the Government to renew honours, which flaws and slips lost to him and his offspring, and pensions, whose niggardly measure reached not beyond his death, artists are called on to do their duty for the remembrance of his glorious deeds. Churches, statues, memorials, paintings, and engravings there will be many, and more will be the painters and sculptors and architects who will be led to essay, than the few who will win the honours and rewards of commemorating such achievements.

Such achievements but seldom fall to the lot of an artist to record. The Italian campaigns of Napoleon, rich in victory, and won against great odds, were still the labour of a large and well-organised army. The careers of the republican generals, some of whom swiftly overran kingdoms and states, still do not yield a parallel. We must go back to the retreat of the Ten Thousand, or even to the wars of Alexander, to find something like the example of Havelock's deeds ; and yet he wanted the forces of Alexander, and he was a worthier man than Zenophon — less skilled as a writer, but more masterly as a captain. In many a battle, like that of the Granicus, did Havelock marshal his weak battalions against the hosts of barbarians, braver than the Persians and their allies, and better trained ; and now we know that his foes were to be counted by scores of thousands.

These campaigns of battles—a momentous history—squeezed, as it were, within the period of a few weeks, should have their names displayed in inscriptions and reliefs, lest the too great glory of this man should cause any of his glory to be forgotten. The heroic regiments who fought with him, of whose men few live to see a record, which would set forth how in battle after battle their ranks became thinner,—these should be storied, so that the kindred and townsmen of the glorious slain may claim their names and say how they fell. The noble generosity of Outram—beyond the boasted deeds of Alexander and Scipio—beyond the chivalry of the Black Prince and Bayard—is a striking incident of the glorious history. That Havelock lived to know Lucknow was saved—to see its heroic defenders pass forth, and the long train of widows and orphans, wounded warriors, and ladies whose kindly hands had nursed the dying amid the fear of death, and at the head of these the gallant Inglis and his wife—must have been a worthy consolation to him : and trophies were there borne to be the last witnesses of prowess—jewels and treasures and prisoners and stores. Then comes the death—not in the battle, but of it ; of the sickness, worse than wound, fought against day by day, as if to die were to cause a thousand deaths to his weak army, and to the beleaguered Cawnpore, holding up almost beyond man's strength, and yet only to hold on till all was done.

The people have mourned for the death of Havelock as much for himself, that he did not live to enjoy the honours and rewards of his glory, as for themselves, who feel so great a loss in such a leader ; and yet it may be that he grieved less for his death, although he was no more to meet that noble lady who had been his partner in many deeds of goodness among his men, and whose share in his triumphs has been so sadly dimmed ; although death was to part him from a son, a bright scholar in heroism, who had learned daring by his side. Havelock may have yearned for these things ; but a soldier who has reached a height of glory has likewise other thoughts than these, and a greater fear than death—the fear that so many bright deeds may be

darkened by loss, and one defeat be reckoned more than many victories. Even in the hour of his dying, one who had borne the fulness of honour, who had made for himself the name of the Hero of the Redan, was suffering a shameful loss at Cawnpore—a defeat for which his former glory will hardly barter forgiveness. So far as his household loved him, Havelock died too soon ; so far as his countrymen had need of him, he could not live too long : but so far as history has to pourtray him, he died with a full share of glory, unsullied, and almost unequalled. His, too, is a glory which must grow, for his friends have much to tell of him, and the people can never know too much of such a man. If they loved him first for his daring, they love him none the less for milder virtues ; and they will dwell with fondness on every word and deed of one whose name is dear to them. Art is not selfish in claiming to be the minister of the national thankfulness to such a man.

THERMOPYLÆ AND CAWNPORE.

The glory of Leonidas
 Eternal will and should remain,
 With his small band who held the Pass,
 When those three hundred men were slain.
 England has sons as good as he,
 As hard a brunt as well who bore ;
 Old Sparta kept Thermopylæ :
 Old England longer held Cawnpore.

And Lucknow was relieved and won,
 Against an overwhelming mass.
 And HAVELOCK, conquering chief, has done
 Yet better than Leonidas.
 How Lacedæmon nobly failed,
 Will history never cease to tell ;
 How England, in like strait, prevailed,
 And Britons triumphed as they fell.

Newcastle Journal.

(FROM THE TIMES.)

Seldom has an event been received by the nation with a more bitter feeling of regret than the death of Sir Henry Havelock at the close of his wonderful campaign. It is not too much to say that we must go back to the days of the great war for a parallel to the universal sympathy and sorrow. We all felt that Havelock was no common man. His victories were not the natural result of the opposition of European troops to Hindoos, but were achieved by his own skill, courage, coolness, and indomitable energy. He not only defeated the enemy, but he surmounted the difficulties of a situation which would have daunted most other men. He was in the heart of an enemy's country with a mere handful of troops; his communications were interrupted, his supplies were threatened, every day added new strength to the mutinous levies, and decimated his own band by fever and cholera. Yet not for one moment did he quail, nor did he ever submit to abstain from offensive operations. He marched as few leaders have marched before, attacked the enemy wherever they were to be found, and, at whatever odds, never attacked but to conquer. It has been said that a people is seldom wrong in its opinions and never in its feelings. If this be the case, and there really be some sympathetic impulse which tells a nation when deeds are great and estimable, certainly General Havelock was a hero. More than any man engaged in India he fixed the attention of his countrymen at home. It is probably in conjunctures like this that a man's previous character most stands him in good stead. When a man has passed through life with blameless character, inoffensive manners, and evincing always a strong sense of duty, he has laid up for himself a treasure in the esteem of others of which, when the time comes, the interest is returned to him in full. It is possible that if India had never been in revolt Colonel Havelock would have gone to the grave with only the reputation of a meritorious officer and a good man, but when once he had an opportunity of exhibiting his greater qualities all the goodwill of those who knew him added to his renown, and their description of what he was went to form that ideal

which his countrymen conceived of his character. Perhaps, however, the point which it is most profitable to notice is the long and patient services of this accomplished soldier. Those who, in spite of reason and common sense and the rough teaching of experience, still fancy that the profession of war is no profession at all, and that any man of spirit and sound limbs can command, would do well to consider what has been the training of the men, both Queen's officers and Company's officers, who have distinguished themselves of late. They have all been men who have devoted themselves to their profession, who have served campaign after campaign, and they have been mostly such as have permanently selected the great Indian field for their career. General Havelock was one of these. Though a Queen's officer he belonged entirely to the Indian school. He had gone out to India in 1823 at 28 years of age, and in India and the East he served until death removed him from the scene where he had conferred such great benefits on his country. He went through the Burmese war, and took a part in most of the operations in the interior of India, and yet did not obtain his company until 1838, when he was 43 years of age. He fought under General Keane at Ghuznee, joined in the second invasion of Afghanistan, was engaged in the Punjab under Hardinge and Gough, within the last year took part in the war against Persia, and was present at the battle of Mohammerah; yet at the age of 62 he was only a Colonel in the army when the Indian mutiny broke out. Such a man can certainly not be said to owe much to fortune. After 34 years of Indian service, after campaigns in the swamps of the Irrawaddy, in the plains of Central India, in the passes of Cabul, and on the parched shores of the Persian Gulf—after fever and shipwreck, and long years of fatigue, the veteran still lingered in comparative obscurity, and must have consoled himself only with the thought that he had done his duty. From this point of view his career is certainly a lesson to those who come after him. How many men complain that in the military or naval service there is no reward for merit; that the truth of things rarely becomes known; that one man does the work and

another gets all the glory. How many urge in defence of officers' shortcomings that they serve for nothing, and that their pay is barely the interest on their commission, and that the nation is a hard master, wishing to reap where it has not sown. All these arguments have something of truth in them, just enough to raise a superstructure of false conclusions upon. Some people tell us that promotion by merit means only promotion by favour, because merit is undiscoverable; others say that as long as soldiers are poorly paid it will be impossible to get able heads and willing hearts. But the example of the gallant General who died before Lucknow should be sufficient to dissipate these impatient murmurings. Here was a man who had served his country from youth to old age without any further encouragement than is open to the most friendless subaltern. He was certainly not promoted by favour, and though, as the event proves, possessed of transcendent merit, he slowly worked his way with ordinary men. Yet still he rose, and at last the time came when he could show what his powers were, and gain glory for himself and country, and honours for his family by a brilliant campaign. All the difficulties which are before the youngest ensign were met by Henry Havelock, and were overcome by him. His suddenly-gained reputation in the very evening of his life is, perhaps, more instructive than if he had been famous in the prime of manhood. It teaches the soldier not to despair of his profession because promotion and honours are slow of coming, nor to think, because he remains unknown to fame till his course is nearly run, that therefore his has been a useless and undistinguished career.

THE LATE GENERAL HAVELOCK.

Yes, England loved this warrior, for she felt
That in his soul true English virtue dwelt.
Steadfast, yet ardent, prompt but wary, brave
To height of daring, yet not daring's slave;
Pious as valiant, hopeful mid despair,
Dauntless in danger, vehement in prayer;
Alike in peace and war one path he trod,
His law was duty, and his guide was God.

Daily News.

(FROM THE DURHAM ADVERTISER.)

To urge, at length, the grounds for the proposed tribute, would be simply absurd. They are written in every heart—they are eloquent on every tongue. History will record them when canvas and marble have both perished. It is difficult just now to recall his forty-two years of soldiership, now closed so gloriously—his thirty-three years of Indian service, in almost every war of that stormy realm—in the Burmese, the Affghan, the Cabul, the Punjab, and the Persian struggles—in the battles of Tezeen, Nepadee, Patnagon, Paghan, Maharajpore, Mood-kee, Sobraon, and Mohammerah,—in the forcing of the Khoord Cabul Pass; in the stormings of Ghuzna, Goojerat, and Bhurt-poor. The closing splendours of his career from Allahabad to Lucknow ask no enumeration. We have perfect confidence in a hearty public response to the appeal. May the result be indeed a monument not unworthy of the hero. And if it simply bears the inscription—"He saved his country-women and their children in Lucknow,"—that record will not be deemed unworthy either by them or by the world.

Mourn for the mighty man who led
 Our arms to victory years ago;
 Mourn for the Chief who never bled,
 But conquer'd every daring foe—
 Who, since his young career began,
 In manhood, great—old age the same;
 In solemn grief, oh! mourn the man—
 But magnify his deathless name!

Mourn for the Christian-warrior brave,
 Who fought for Right, and dying, won
 In Victory's shade a peaceful grave,
 Where all his sacred deeds were done;
 He gave a light to Hindostan,
 Exposed the depths of idol-shame;
 In solemn grief, oh! mourn the man—
 But magnify his deathless name!

From an Ode on the Death of Sir Henry Havelock, by LEON.

The whole of the London and Provincial Press have expressed sentiments similar to the foregoing extracts.

MONUMENT

TO MAJOR-GENERAL SIR HENRY HAVELOCK, K. C. B.,*

AT SUNDERLAND.



A large and influential meeting of the Inhabitants of Sunderland was held January, 22nd, 1858, convened by the Mayor at the request of the Town Council, to originate a subscription for the erection of a Monument in the Park, in this Borough, to commemorate the brilliant military services, the patriotism and devotion evinced by his noble conduct to humanity, civilization, and the

* "*Monument to Sir Henry Havelock, in Trafalgar Square, London.*—A deputation from the committee of the Havelock Memorial Fund had an interview with Viscount Palmerston on the 1st of February, 1858. There were present the Earl of Shaftesbury; the Right Hon. H. U. Addington; the Hon. A. Kinnaid, M.P.; Sir Edward Hulse, Bart.; Sir James Duke, Bart.; General Sir Harry Smith, Bart., G.C.B.; Sir S. Morton Peto, Bart.; General Sir Henry F. Williams, of Kara, Bart., K.C.B.; Admiral Sir Baldwin W. Walker, Bart., K.C.B., M.P.; Sir James Grant, C.B., J.G.H.; Col Sir Duncan Maodougall; Sir John Login; Sir Macdonald Stephenson; Mr S. Gregson, M.P.; Mr G. Moffatt, M.P.; Mr P. F. Robertson, M.P.; Mr W. Roupell, M.P.; Mr Henry B. Sheridan, M.P.; Lieut.-General De la Motte, C.B.; M. General Duncan Sim, Major Adair, Captain Morrison, R.A.C., Mr Christopher Rawson, and Mr Alexander Wilson. The deputation requested permission to have a site in Trafalgar Square set apart for the purposes of the committee, with a view to the erection of a monument to the gallant hero, Sir Henry Havelock. The monument to consist of a full length statue of the late General Havelock, and to be supported by a base broad enough to record the names of the officers who accompanied the deceased General in the memorable campaign which ended in the glorious relief of Cawnpore and Lucknow, together with a full reference to the regiments so honourably associated with these events. Lord Palmerston replied to the deputation by expressing his warm sympathy with the object of the committee, and said that, although there were certain conventionalities that prevented a definite reply to the request of the committee at once, still he would confer with the proper persons, and communicate with the deputation in two or three days. The deputation was introduced by the Earl of Shaftesbury and the Hon. A. Kinnaid, M.P." The Government shortly afterwards agreed to grant a site in Trafalgar Square. The monument will be erected on the opposite side of the Nelson column to that of Sir Charles Napier's statue.

best interests of the country, and the distinguished Christian virtues and exemplary character of the late illustrious Major-General Sir Henry Havelock, K.C.B. Since the mournful news of his lamented death reached Sunderland, his native town, the universal feeling among all classes of the inhabitants has been one of sincere regret, mingled with the highest admiration of his noble deeds and of his inestimable worth, not only as a military commander, but in every relation of his long and active public services, and as a man and a Christian. It was to be expected that the meeting would not only be a large but a very influential one, and in this respect everything was most satisfactorily realized. Shortly after 12 o'clock at noon the great hall of the Athenæum was filled by the principal shipowners, merchants, manufacturers, and other residents of the town and neighbourhood, and on the entrance of the Worshipful the Mayor, (George Smith Ranson, Esq.,) wearing the gold chain of his office, he was greeted with loud applause. The Mayor then took his seat in the chair on the platform, supported on his right and left by George Hudson, Esq., M.P., and Henry Fenwick, Esq., M.P.; and among the gentlemen present were Richard Laurence Pemberton, Esq., Barnes; George Wilkinson, Esq., Oswald House, Durham; Geo. Hudson, Esq., Monkwearmouth Grange; the Rev. John P. Eden, the Rev. Richard Skipsey, William Ord, Esq., Henry Tanner, Esq., Robert Scurfield, Esq., Robert Fenwick, Esq., William Mordey, Esq., Edward Maling, Esq., James Laing, Esq., C. Bramwell, Esq., Captain Henry Bramwell, Robert Fenwick, Esq., jun., James S. Robinson, Esq., Jas. Allison, Esq., William Snowball, Esq., (town clerk), Cooper Abbs, Esq., John Matteson, Esq., F. H. Johnson, Esq., Captain Bellairs, R.N., &c., &c.

The MAYOR, in opening the business of the day, expressed the great pleasure he felt in seeing before him so large and influential a body of inhabitants met to originate a monument to record to future ages the eminent services to the country of the much lamented General Sir Henry Havelock, who was born in this parish (Bishopwearmouth), and to hand down to posterity the revered memory of him whose untimely death they all so

deeply deplored. He trusted that the result would be the erection of a monument worthy of the brilliant deeds and eminent virtues of so brave and good a man ; and as he would be followed by several gentlemen, who would submit resolutions for their sanction, he would now read some letters which had been received from gentlemen, who concurred in the object of the meeting, but who were unable to be present to take part in their proceedings.

The TOWN CLERK then read a letter from Robert Henry Allan, Esq., of Blackwell Hall, expressing his great desire that a monument should be erected at Sunderland, to do honour to the great and gallant general, and concluded by stating that he would be glad to subscribe the sum of £200 towards the accomplishment of that object. The letter of Mr. Allan was received with a burst of loud and prolonged applause. Letters were then read from Earl Vane, the Very Reverend the Dean of Durham, Sir William Eden, Bart., Robert Smith Surtees, Esq., B. D., Shafto, Esq., M.P., J. R. Mowbray, Esq., M.P., the Mayor of Durham, the Mayor of Stockton-on-Tees, and other gentlemen, highly approving of the proposed monument, expressing regret at their inability to attend the meeting, and their intention to subscribe to the fund for carrying out the object of the meeting.

GEORGE HUDSON, Esq., M.P., then rose, and in a long and very feeling speech, which we regret we have not space to give even a faint outline of, proposed the first resolution, to the effect that the meeting, in admiration of the great and noble qualities that distinguished the brilliant life and Christian character of so great a hero, and such a devoted patriot, resolved to originate a subscription for the erection of a monument at Sunderland in memory of the late gallant Sir Henry Havelock, whose character was adorned by the highest qualities that dignified human nature, and the noblest virtues that mark a pure patriotic life, devoted to the service of the country, and sacrificed in the holy cause of humanity—in rescuing his fellow-countrymen, women, and children, from the atrocities of a savage, infuriated, and cruel horde of barbarous rebels. Mr. Hudson dwelt at length on the eminent services, and the great work accomplished by

the gallant general, before it pleased God to take him from among us, expressed much sympathy with Lady Havelock and her family on their irreparable loss, and concluded by calling on the meeting to erect such a monument as would be worthy of the honoured and illustrious man whose achievements had excited such unbounded admiration, and which would perpetuate to future generations his glorious example, his singular virtues, and blameless life, that others may be incited to follow him in duty, virtue, and patriotism.*

RICHARD LAURENCE PEMBERTON, Esq., in a short, neat, and appropriate speech, seconded the motion, which was carried with much applause.

HENRY FENWICK, Esq., M.P., in moving the next resolution, paid a high tribute to the services and character of the devoted general, and said he knew nothing in history equal to the glorious achievements accomplished by the gallant hero—his law was duty and his guide was God—and he called on the people of Sunderland of all classes to unite in raising a suitable tribute to the memory of the great and good General that would do honour to his glorious deeds.

JAMES LAING, Esq., seconded the motion, which was adopted with applauding cordiality.

C. BRAMWELL, Esq., moved, and GEORGE HUDSON, Esq., of Monkwearmouth Grange, seconded, a motion that the Mayor and Corporation be requested to allow the proposed monument to be erected in the Park, which was an appropriate place, being in the parish in which General Havelock was born.

* But a few short weeks had intervened since the Honourable Member for Sunderland thus feelingly spoke of the loss of Sir Henry Havelock, when he received intelligence of the death of his own gallant son, Lieut. John Hudson, of the 6th Dragoon Guards (Carabineers), now in India, who was killed on the 14th of December, 1857, in an encounter with the rebels in a place called Gungeree, about thirty miles from Allyghur. He was hit in the heart by grape, and died almost immediately, with a cheer on his lips. The enemy numbered about 6,000, but about 200 of them were killed, and three of their guns taken. The small opposing band made a noble charge, but three of the officers (Captain Wardlow, Mr. Vyse, and Mr. Hudson) were killed, and Captain Head, of the 9th Lancers, was dangerously wounded, as well as one-third of the men put *hors de combat*.

The **MAYOR**, in putting the resolution, expressed his belief that the Town Council would have the greatest pleasure in complying with the request.

HENRY TANNER, Esq., proposed, and **WILLIAM ORD, Esq.**, seconded, a motion to the effect that the committee be instructed to advertise for designs, to be publicly exhibited before it was finally resolved on the plan to be adopted in the erection of the proposed monument, which resolution was also cordially voted with much applause.

ANTHONY JOHN MOORE, Esq., proposed a resolution nominating a committee to carry into effect the resolutions of the meeting. Among the gentlemen named were the Earl of Durham, Earl Vane, Mr. Hudson, M.P., Mr. Fenwick, M.P., Mr. Pemberton, Mr. Mowbray, M.P., Mr. Hedworth Williamson, Mr. Tanner, Mr. Hudson, Mr. Abbs, Mr. Mordey, Mr A. J. Moore, Mr. Maling, &c., with power to add to their number. Capt. Bramwell was nominated treasurer, and Mr. Town Clerk, and Mr. E. T. Gourley, honorary secretaries.

Captain **BELLAIRS, R.N.**, proposed that the Mayor should address a letter of condolence to Lady Havelock and her family on the sad and afflicting calamity which had befallen them, and expressing the deep sympathy felt in the borough of Sunderland for their great and irreparable loss ; James Allison, Esq., seconded the motion, which was adopted with much applause.

The **MAYOR** then announced that subscription lists would lie for signature at the Exchange, and at the different banks in the borough, and that the treasurer and other officers would also take charge of subscriptions.

Mr. HUDSON, M.P., moved a vote of thanks to the Mayor for convening the meeting, and for his urbane and judicious conduct in the chair, which was seconded by **Mr. FENWICK, M.P.**, and adopted with great applause.

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